

IN RE: PETITION FOR SPECIAL HEARING  
E/S Westowne Place, 428.01' S  
of North Bend Road  
(217 Westowne Place)  
1st Election District  
1st Councilmanic District  
  
Richard N. Foltz, III, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-181-SPH  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 217 Westowne Place, located in the vicinity of Edmondson Avenue in Catonsville. The Petition was filed by the owners of the property, Richard N. Foltz, III, and his wife, Deborah I. Foltz. The Petitioners seek approval of the subject property as a legal, nonconforming three apartment dwelling, or, in the alternative, as a nonconforming two apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard Foltz, III, legal owner of the property, and Herbert Malmud, Registered Land Surveyor, who prepared the site plan for this project. Appearing in opposition to the Petitioners' request were Donald and Joan O'Rem, John Marlatt, and Paul Richard, all residents of the surrounding community.

Testimony and evidence offered revealed that the subject property consists of 0.07 acres, more or less, zoned D.R. 10.5 and is improved with a two-story, brick, end of group townhouse which presently contains three apartments. Testimony indicated that the Petitioners purchased the property in December, 1985 at which time it contained three apartments and that

ORDER RECEIVED FOR FILING  
Date 12/14/95  
By [Signature]

RECORDED

it has been used as such since that time. In addition, the site plan and other documentation submitted indicates that the property has been used as a three apartment dwelling at least since the Petitioners' purchase of same in 1985.

As noted above, several individuals appeared in opposition to the Petitioners' request; however, they were unable to offer substantive testimony concerning the historical use of the subject property.

In order to be granted a non-conforming use as a three apartment dwelling, the Petitioner must establish that the property contained three apartments prior to 1945. A letter dated December 4, 1985 and written by then Zoning Commissioner, Arnold Jablon, indicates that a conditional, nonconforming use of the subject property as a two-apartment dwelling was granted to Mark Aguilar, the owner of the property at that time. It would seem logical that if the property had been utilized as three apartments prior to 1985, Mr. Jablon would have granted conditional approval for three apartments and not two. Given those circumstances and the fact that the Petitioner was unable to offer sufficient documentation to support the nonconforming use of the subject property as a three apartment dwelling prior to 1985, the relief requested in the Petition for Special Hearing shall be granted in part and denied in part.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be

shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945 for a three apartment use and 1955 for a two apartment use.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

ORDER RECEIVED FOR FILING

Date

By

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two apartment dwelling since prior to 1955, and as such, enjoys a legal nonconforming use for such use. However, as noted earlier in this opinion, there was insufficient evidence to support a finding that the property enjoys a legal nonconforming use as a three apartment dwelling. Therefore, only the alternative relief sought in the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of December, 1995 that the subject property enjoys a legal, nonconforming use as a two-apartment dwelling, and as such, the alternative relief sought within the Petition for Special Hearing has been GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of the nonconforming use of the subject property as a three apartment dwelling, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order in which to file an appeal.

TMK:bjs

Anthony Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 12/14/95  
By TMK

APPROVED



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

December 14, 1995

Mr. & Mrs. Richard N. Foltz, III  
11 Ivy Bridge Court  
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING  
E/S Westowne Place, 428.01' S of North Bend Road  
(217 Westowne Place)  
1st Election District - 1st Councilmanic District  
Richard N. Foltz, III, et ux - Petitioners  
Case No. 96-181-SPH

Dear Mr. & Mrs. Foltz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Donald O'Rem  
5512 Ashbourne Road, Baltimore, Md. 21227

Mr. John Marlatt  
305 Westshire Road, Baltimore, Md. 21229

Mr. Paul R. Richard  
820 Malbrook Road, Baltimore, Md. 21229

People's Counsel; Case File

MICROFILMED



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 217 Westowne Place, Catonsville

96-181-SPH

which is presently zoned D.R.10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the above-referenced property, zoned Density, Residential (D.R.10.5), as having a non-conforming use status for a three (3) apartment (or alternatively) a two (2) apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties or perjury that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

State

Zipcode

Legal Owner(s)

Richard N. Foltz, III

(Type or Print Name)

Signature

Deborah I. Foltz

(Type or Print Name)

Signature

11 Ivy Bridge Court

526-6262

Address

Phone No

Reisterstown, MD 21136

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Same as owners

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAN

DATE

26 Oct 95

ORDER RECEIVED FOR FILING

Date

By



182

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208

TELEPHONE (410) 653-9511

96-181-SPA

DECRPTION FOR ZONING PETITION  
217 WESTOWNE ROAD  
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME ON THE EAST SIDE OF WESTOWNE ROAD  
AT A POINT DISTANT 482.01 FEET SOUTHERLY FROM THE SOUTHWEST  
SIDE OF NORTH BEND ROAD, THENCE BINDING ON WESTOWNE ROAD:

(1) DUE SOUTH 28.50 FEET, THENCE LEAVING WESTOWNE ROAD  
AND RUNNING THE THREE (3) FOLLOWING COURSES AND DISTANCES:

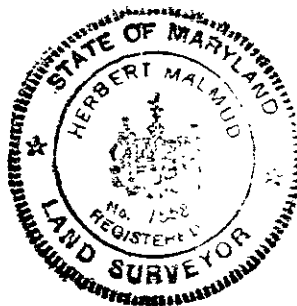
- (2) DUE EAST 100.00 FEET,
- (3) DUE NORTH 28.50 FEET AND
- (4) DUE WEST 100.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.07 OF AN ACRE OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE  
CONVEYANCE OF TITLE.

HERBERT MALMUD  
REGISTERED LAND SURVEYOR  
MARYLAND # 7558

OCTOBER 7, 1995



182

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-181-SPH

District: 135

Date of Posting: 11/18/95

Posted for: Special Hearing

Petitioner: Richard & Deborah Feltz

Location of property: 217 Wistowine Place

Location of Sign: Leaving no delay on property being zoned

Remarks: \_\_\_\_\_

Posted by: MMH/bdy

Signature

Date of return: 11/24/95

Number of Signs: 1



# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

*Nov. 21, 1995*

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 16, 1995.

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-181-SPH (Item 182)

217 Westowne Place  
E/S Westowne Road, 428.01'  
S of North Bend Road  
1st Election District  
1st Councilmanic  
Legal Owner(s):  
Richard N. Foltz, III and  
Deborah I. Foltz

Hearing: Thursday, December 7, 1996 at 2:30 p.m. in Rm. 106, County Office Building.  
Special Hearing: to approve the property as having a non-conforming use status for a three-apartment (or alternatively) a two-apartment dwelling.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.  
(2) For information concerning the file and/or hearing, please call 887-3391.

11/183 Npw. 18 017330

THE JEFFERSONIAN,

*A. H. Henricks*

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

DATE 28 Oct 95 ACCOUNT R-001-6150  
7-132

AMOUNT \$ 285.00

RECEIVED FROM: John 96-181-SPH

FOR: 217 Westanna Rd

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER  
YELLOW - CUSTOMER

83-9140051MCHRC  
29 0012:39PM10-28-95

\$285.00

28 Oct 95 10:00 AM RECEIVED FROM: 96-181-SPH AMOUNT: \$285.00



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 182 Petitioner: RICHARD N. FOLTZ III

Location: 217 WESTOWNE ROAD 21229

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD N. FOLTZ III

ADDRESS: 11 IVY BRIDGE COURT

REISTERSTOWN, MD 21136

PHONE NUMBER: (410) 526-6262

# Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: \_\_\_\_\_

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_

plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: \_\_\_\_\_



North

date: \_\_\_\_\_  
prepared by: \_\_\_\_\_

Scale of Drawing: 1" = \_\_\_\_\_



Vicinity Map  
North  
scale: 1" = 1000'

## LOCATION INFORMATION

Election District: \_\_\_\_\_

Councilmanic District: \_\_\_\_\_

1" = 200' scale map#: \_\_\_\_\_

Zoning: \_\_\_\_\_

Lot size: \_\_\_\_\_

acreage \_\_\_\_\_ square feet \_\_\_\_\_

public private  
SEWER: ☐ ☐

WATER: ☐ ☐

yes no  
Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: \_\_\_\_\_

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

TO: PUTUMER PUBLISHING COMPANY  
November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Richard W. Foltz, III  
11 Ivy Bridge Court  
Reisterstown, MD 21136  
526-6262

---

### NOTICE OF HEARING

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CASE NUMBER: 96-181-SPH (Item 182)  
217 Westowne Place  
E/S Westowne Road, 428.01' S of North Bend Road  
1st Election District - 1st Councilmanic  
Legal Owner: Richard W. Foltz, III and Deborah I. Foltz

Special Hearing to approve the property as having a non-conforming use status for a three-apartment (or alternatively) a two-apartment dwelling.

HEARING: THURSDAY, DECEMBER 7, 1995 at 2:30 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

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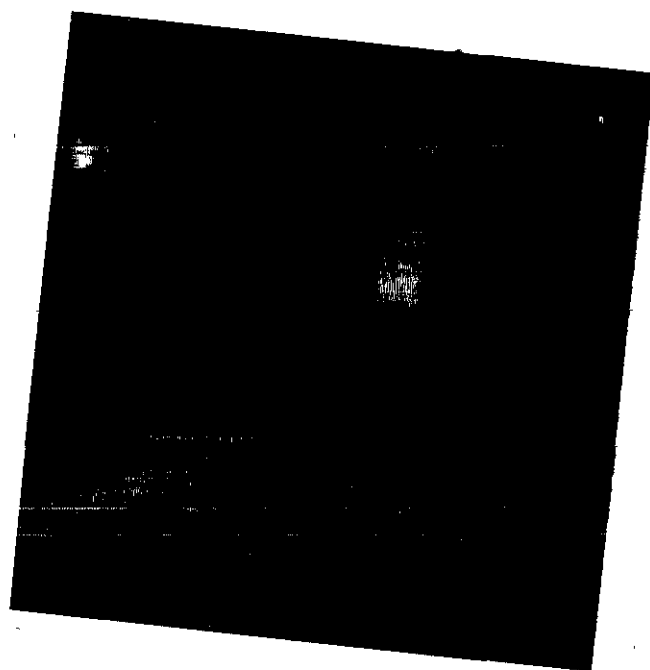
A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Richard N. Foltz, III and Deborah I. Foltz

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.







Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 30, 1995

Mr. and Mrs. R. N. Foltz, III  
11 Ivy Bridge Court  
Reisterstown, MD 21136

RE: Item No.: 182  
Case No.: 96-181-SPH  
Petitioner: R. N. Foltz, et ux

Dear Mr. and Mrs. Foltz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a printed name and title.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)





Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/07/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: RICHARD M. FOLTZ & BETTY R. FOLTZ  
/RE  
LOCATION: E/S WESTOWNE RD. 428.01' S OF NORTH BEND RD. (217 WESTOWNE PL.)

Item No.: 182

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

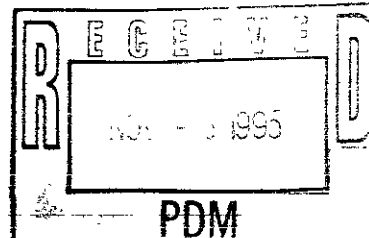
MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F




cc: File

Printed on Recycled Paper



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Nov. 16, 1995  
Zoning Administration and Development Management

FROM:  Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for November 13, 1995  
Item No. 182

The Development Plans Review Division has reviewed the subject zoning item. The issue of adequate onsite parking shall be addressed.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: November 7, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 132, 176, 179, 180, 181, 182, and 183.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Gary L. Kerns*

PK/JL

RECEIVED



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

11-6-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 182 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 17, 1996

Richard N. Foltz, III, Esquire  
Law Offices of Richard N. Foltz, III Chartered  
11 Ivy Bridge Court  
Reisterstown, MD 21136-5951

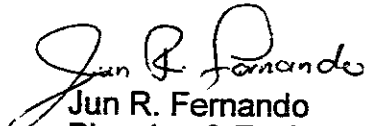
RE: Tape Duplication  
Case #96-181-SPH  
Case #96-180-SPH

Dear Mr. Foltz:

In response to your letter of December 21, 1995 requesting a copy of the tape for the two above referenced hearings, please be advised that the original hearing tapes are no longer available due to a mechanical problem with the cassette recorder at the time of the hearing.

If you have any questions regarding this matter, please do not hesitate to contact me at 887-3391.

Very truly yours,

  
Jun R. Fernando  
Planning & Zoning Associate III  
Zoning Review

JRF:scj

RE: PETITION FOR SPECIAL HEARING  
217 Westowne Place, E/S Westowne Road.  
428.01' S of North Bend Road  
1st Election District, 1st Councilmanic

Richard N. and Deborah I. Foltz, III  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-181-SPH

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard N. and Deborah I. Foltz, III, 11 Ivy Bridge Court, Reisterstown, MD 21136, Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RICHARD & BETTIE FOLTZ

EDMONDSON AVE

RICHARD FOLTZ

217 WESTWING

HERBERT MALMUD

100 CHURCH LANE 21208



4/11/07 3:15

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Donald G O'Rem Sr.  
Joan Parker O'Rem

5512 Ashbourne Rd.  
Baltimore Md 21227

1 John C. MARLATT

305 Westshire Rd.  
BALTO Md. 21229

Paul R. Richard

190 Malbrook Rd  
BALTO Md 21229











THE improvements thereon being known as No. 217 Ventonne Road.

ALL the said lot of land acquired in fee simple by the said James O. McGovern, Jr. and Ruth A. McGovern, his wife, by the two (2) following deeds to them: (1) Deed dated September 24, 1941 and recorded among the land records of Baltimore County in Liber B. V. C. No. 1165, folio 61 from Stratford Inc. (2) Deed dated January 11, 1947 and recorded among the land records of Baltimore County in Liber B. V. C. No. 1131, folio 311 from American Trust Company Trustee.

TOGETHER with the buildings and improvements thereon; and all rights, ways, ways, waters, privileges, easements and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the said described lot of land and all the contents thereof to the use of the said ALBERTA B. SEATZ, for and during the term of her natural life with full power and authority to the said ALBERTA B. SEATZ, to convey, sell, mortgage, lease or in any other manner dispose of or encumber the property hereby granted and conveyed or any interest therein, including both life estate and remainder therein (but a power to dispose of by will and testament is not hereby granted) with the right to dispose of and consume the proceeds of any sale, mortgage, lease or any other disposition thereof in such manner as she may desire without any obligation on her part to account for the same and without any obligation on the part of any purchaser, mortgagee, lessee or grantee to see to the application of said proceeds it being the intention by these presents that the said life tenant in the exercise of said power or powers shall have the right to convey any interest in said property both life estate and remainder and in default of her exercising the said power or powers then with remainder over from and immediately after the death of the said life tenant as to so much of said property or as to any interest therein which may not have been disposed of by the said life

tenant under the power hereby given to her onto the said CHARLES P. MILLER, his heirs and assigns, forever in fee simple; subject to the restrictions set forth in a Deed dated January 31, 1940 and recorded upon the said Records of Baltimore County in Liber C. I. 3.1r. No. 1026, folio 720 from James Keelty and wife to Samuel Keelty and wife.

AND the said parties of the first part hereby covenant that they have not now nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute all further assurances of the same as may be required.

IN WITNESS whereof the hands and seals of said Grantors.

GIVEN:

James O. McGovern Jr.  
James O. McGovern, Jr.

Mary Little  
J. HENRY DITTO

Ruth A. McGovern  
Ruth A. McGovern

WITNESSES, CITY OF BALTIMORE, to wit:

I, J. HENRY DITTO, that on this --22nd-- day of --July-- of the year nineteen hundred and fifty-four, before me, the undersigned, Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared JAMES O. MCGOVERN, JR. (d/b/a. McGOVERN), his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and they acknowledged the foregoing Deed (to Alberta R. Sellers et al) to be their act and that they executed the same for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Mary Little  
J. HENRY DITTO

Rec'd for record July 27, 1954, at 11:15 A.M.  
Per George L. Byerly Clerk.

MARYLAND FEE SIMPLE DEED—CODE—

Washington Law Reporter Form 80  
1625 Eye St., N.W., Washington D.C. 20006  
79-131C✓ **This Deed**, made this 17th day of January, 1979, by and between

Alberta R. Sellers, an unmarried women

parties of the first part, and

✓ Mark G. Aguilar and Linda J. Aguilar, husband and wife

parties of the second part:

**Witnesseth**, that in consideration of Forty One Thousand Three Hundred and no cents the said party of the first part does grant and convey unto (\$41,300.00)

Mark G. Aguilar and Linda J. Aguilar, husband and wife, as tenants by the Entirety.

parties of the second part, their heirs and assigns, in fee simple all that piece or parcel of land situate, lying and being in Baltimore County, State of Maryland, described as follows to wit:

BEGINNING for the same at a point on the east side of Westowne Road distant four hundred eighty-two and ten one hundredths feet southerly measured along said east side of Westowne Road from the point formed by the intersection of said east side of Westowne Road if extended and the southwest side of North Bend Road as shown on the plat of Westowne recorded among the Land Records of Baltimore County in Plat Book C.W.B.Jr. No. 12, folio 53 and running thence binding on said east side of Westowne Road due south twenty-eight and five tenths feet to intersect a line drawn westerly through the center of the partition wall between the building erected on the lot now being described and that on the lot next adjacent to the south thence reversing said line so drawn and binding thereon due east one hundred feet to the west side of a fifteen foot alley thence situate thence binding on the west side of said alley with the use thereon in common with others due north twenty-eight and five tenths feet thence at right angles to said Westowne Road due west one hundred feet to the place of beginning. The Improvements thereon being known as No. 217 Westowne Road.

BEING the same lot of ground and premises which by Deed dated July 22, 1954 and recorded among the Land Records of Baltimore County in GLB 2523 folio 149, were granted and conveyed by James O. Mc Govern, Jr. and Ruth R. Mc Govern, husband and wife.

TOGETHER with the building and improvements thereon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

And the said party of the first part covenant that she will warrant specially and generally the property hereby conveyed;

and that she will execute such further assurances of said land as may be requisite.

**Witness** hand and seal

TEST:

Charlotte P. Plush

Alberta R. Sellers

[SEAL]

Alberta R. Sellers

[SEAL]

STATE OF MARYLAND  
COUNTY OF HOWARD

To Wit:

On this 17th day of January, 1979, before me,

the undersigned officer, personally appeared Alberta R. Sellers, an unmarried women

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

My commission expires:  
July 1, 1982

Charlotte P. Plush Notary Public

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Rec'd for record FEB 5 1979 at

Per Elmer H. Kahline, Jr. Clerk

Mail to Stewart & Little Co.

Receipt No.

J. George Gately, Sr.

Attorney

61050 MSC

MICROFILMED

EXHIBIT

2



NO TITLE SEARCH

LIBER 6573

PAGE 633

MARYLAND FEE SIMPLE DEED—CODE—

Washington Law Reporter Form 80  
1625 Eye St. N.W., Washington D.C. 20006

This Deed, made this 22 day of April, 1983, by and between  
✓ MARK G. AGUILAR and LINDA J. AGUILAR, his wife  
parties of the first part, and  
✓ MARK G. AGUILAR  
party of the second part:

TRANSFER TAX NOT REQUIRED  
Director of Finance  
BALTIMORE COUNTY, MARYLAND  
Per Sharon R. Jenkins  
Authorized Signature  
Date 8/16/83 Sec. 11-88-A

Witnesseth, that in consideration of \$2113.01 as well as the voluntary separation  
the said part of the first part do grant and convey unto and property settlement agree-  
ment entered by the parties.  
MARK G. AGUILAR, Individually  
party of the second part, his heirs and assigns, in fee simple  
all piece or parcel of  
lying and being in Baltimore County, State of Maryland, described as follows to wit:

DEED 0 #  
EHK JR T 13.00  
#4563, 6000, R02 112:24  
and situate, 08/16/83

Being for the same at a point on the east side of Westowne Road distant four hundred  
eighty-two and ten one hundredths feet southerly measured along said east side of  
Westowne Road from the point formed by the intersection of said east side of Westowne  
Road if extended and the southwest side of North Bend Road as shown on the Plat of  
Westowne recorded among the Land Records of Baltimore County in Plat Book C.W.B., Jr.  
No. 12, folio 53 and running thence binding on said east side of Westowne Road due  
south twenty-eight and five tenths feet to intersect a line drawn westerly through the  
center of the partition wall between the building erected on the lot now being described  
and that on the lot next adjacent to the south tence reversing said line so drawn and  
binding thereon due east one hundred feet to the west side of a fifteen foot alley  
there situate thence binding on the west side of said alley with the use thereon in com-  
mon with others due north twenty-eight and five tenths thece at right angles to said  
Westowne Road due west one hundred feet to the place of beginning. The improvements  
thereon being known as No. 217 Westowne Road.

TOGETHER with the building and improvements thereon; and the rights, alleys, ways,  
waters, privileges, appurtenances and advantages thereto belonging or in anywise ap-  
pertaining.

BEING the same lot of ground which by Deed dated July 22, 1954 and recorded in Land  
Records of Baltimore County in GLB 2523 folio 149, were granted and conveyed by James  
O. McGovern, Jr. and Ruth R. McGovern, husband and wife.

And the said parties of the first part covenant that they will warrant specially and  
generally the property hereby conveyed;

and that they will execute such further assurances of said land as may be requisite.

Witness hand and seal

TEST:

Michael D. Hilligren  
STATE OF Maryland  
COUNTY OF Anne Arundel

Mark G. Aguilar  
MARK G. AGUILAR  
Linda J. Aguilar  
LINDA J. AGUILAR his wife

To Wit:

On this 22 day of April, 19 83, before me,  
the undersigned officer, personally appeared Mark G. Aguilar and  
Linda J. Aguilar, his wife  
known to me (or satisfactorily proven) to be the person whose name  
instrument and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof,

I hereunto set my hand and official seal

Per Elmer H. Kahline, Jr. Clerk  
Mail to Murray G. Kestrick  
Receipt No. 1300  
Notary Public

My commission expires: July 1, 1986

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision  
of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

SIGNATURE Bum DATE 6/10/87

Attorney

EXHIBIT

13

LIBER 6573 PAGE 634

RIGHT OF WAY AGREEMENT

The undersigned, herein called the "Grantor," hereby grant(s) to BALTIMORE GAS AND ELECTRIC COMPANY, its successors, licensees and assigns, for value received, the right to construct, install, reconstruct, operate and maintain electric, gas and communication lines, including, but not limited to, poles, wires, anchors, conduits, cables, street lights, transformers, switchgear, vaults, manholes, mains, pipes, valves, meters, above ground transformers, switchgear, pads, appurtenant equipment and enclosures upon, over, under and across the land of the Grantor situated on the east side of Stuart Avenue north of Virginia Avenue being known as 111 Stuart Avenue

in 15th District, Baltimore County and acquired from  
DONOVAN W. UMSTOT AND WIFE

by deed dated OCTOBER 13, 1964  
of Baltimore

and recorded among the Land Records  
County in Liber R.R.G. No. 4373, folio 597

B RC/F

ACRMT

EHK JR T

13.0

13.00

ROI 712:35

08/16/83

Together with the right of access at all times to the above-described facilities, the right to extend lines along and adjacent to roads, alleys and lot lines to adjacent properties, the right to trim, top, cut down and remove trees and/or shrubs adjacent to said facilities to provide proper operating clearance, and the right to make necessary openings and excavations for the purpose of examining, repairing, replacing, altering or extending said facilities provided that all openings or excavations shall be properly refilled and the property left in good and safe condition. Wires may be strung between any poles and from the nearest pole to any buildings, and gas and electric lines may be extended by the most direct practical route from the main lines to any buildings on the above described property. No buildings or structures are to be erected under or over the lines, and adequate horizontal clearances, with a five (5) foot minimum, must be maintained. Shrubby, trees, fences, or other obstructions shall not be placed so close to any pad-mounted transformer or switchgear that they would, in the sole judgment of the Company, hinder or obstruct operation or maintenance of said equipment.

The lines are or are to be located along and adjacent to streets, alleys, and boundary lines of lots.

STATE DEPARTMENT OF  
ASSESSMENTS & TAXATION  
33 8-1-83  
DATE  
CLERK

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE  
SIGNATURE 33 DATE 8-1-83

TRANSFER TAX NOT REQUIRED  
Director of Finance  
BALTIMORE COUNTY, MARYLAND  
Per *[Signature]*  
Authorized Signature  
Dated 8-1-83 Sec. 11-85

WITNESS our hands and seals this 11th day of July, 1983

WITNESS:

*[Signature]*  
Alfred J. McGrath

*[Signature]*  
Richard Shipley

STATE OF MARYLAND  
BALTIMORE COUNTY

TO WIT:

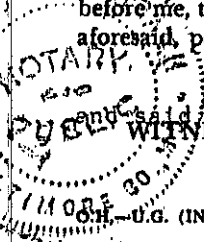
*[Signature]*  
Annie E. Holmes

HEREBY CERTIFY, that on this 11th day of July, 1983, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Richard Shipley and Annie E. Holmes

and acknowledged the foregoing agreement to be their act and deed, and that said act and deed was made without monetary consideration.  
WITNESS my hand and Notarial Seal.

*[Signature]*  
Alfred J. McGrath

Notary Public



Record 1983 record AUG 16 1983 at 12:35 PM  
Per Elmer H. Kahlina, Jr., Clerk  
Call to BALTO GAS & ELECTRIC CO



LIBER 6573 PAGE 635

RIGHT OF WAY AGREEMENT

The undersigned, herein called the "Grantor," hereby grant(s) to BALTIMORE GAS AND ELECTRIC COMPANY, its successors, licensees and assigns, for value received, the right to construct, install, reconstruct, operate and maintain electric, gas and communication lines, including, but not limited to, poles, wires, anchors, conduits, cables, street lights, transformers, switchgear, vaults, manholes, mains, pipes, valves, meters, above ground transformers, switchgear, pads, appurtenant equipment and enclosures upon, over, under and across the land of the Grantor situated on the east and west sides of Raymond Avenue north of North Point Road being known as 8111 Raymond Avenue in 15th District, Baltimore County and acquired from Walter L. Hill and wife

by deed dated May 6, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., JR. No. 6395, folio 113. Wherein Patricia A. Vicari was known as Patricia Ann Reidy. The said Patricia Ann Reidy married Anthony P. Vicari on August 14, 1982.

Together with the right of access at all times to the above-described facilities, the right to extend lines along and adjacent to roads, alleys and lot lines to adjacent properties, the right to trim, top, cut down and remove trees and/or shrubs adjacent to said facilities to provide proper operating clearance, and the right to make necessary openings and excavations for the purpose of examining, repairing, replacing, altering or extending said facilities provided that all openings or excavations shall be properly refilled and the property left in good and safe condition. Wires may be strung between any poles and from the nearest pole to any buildings, and gas and electric lines may be extended by the most direct practical route from the main lines to any buildings on the above described property. No buildings or structures are to be erected under or over the lines, and adequate horizontal clearances, with a five (5) foot minimum, must be maintained. Shrubbery, trees, fences, or other obstructions shall not be placed so close to any pad-mounted transformer or switchgear that they would, in the sole judgment of the Company, hinder or obstruct operation or maintenance of said equipment.

The lines are or are to be located along and adjacent to the westernmost boundary lines of the above mentioned lot.

TRANSFER TAX NOT REQUIRED

Director of Finance

BALTIMORE COUNTY, MARYLAND

Per *Alfred D. McGrath*

Authorized Signature

Date *8/16/83* Sec. 11-103 - R/W 53964

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE  
SIGNATURE *23* DATE *8-10-83*

STATE DEPARTMENT OF  
ASSESSMENTS & TAXATION  
*23*  
CLERK DATE *8-10-83*

B RC/F 13.00  
AGMT 0 H  
EHK JR T 13.00  
#39271 C004 R01 T12:36  
1983 JULY 15, 1983  
10:4 for record AUG 16 1983  
Per Elmer H. Kahline, Jr., Clerk  
Mail to BALTIMORE GAS & ELECTRIC CO.  
Receipt No. *13119*

WITNESS our hands and seals this 15th day of July

WITNESS:

*Alfred D. McGrath*  
Alfred D. McGrath  
STATE OF MARYLAND } TO WIT:  
Baltimore County

*Anthony P. Vicari*  
Anthony P. Vicari  
*Patricia A. Vicari*  
Patricia A. Vicari

HEREBY CERTIFY, that on this 15th day of July before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, aforesaid, personally appeared Anthony P. Vicari and Patricia A. Vicari, his wife and acknowledged the foregoing agreement to be their act and deed was made without monetary consideration.

WITNESS my hand and Notarial Seal.  
O.M.-U.G. (IND.)

*Alfred D. McGrath*  
Alfred D. McGrath Notary

R/W 53964

VICARI, ANTHONY P. & WF.

1983 JULY 15, 1983

1983 JULY 15, 1983

SAFECO TITLE INSURANCE CO. OF MD.  
(Individual Form)

LIBER 7071 FOLIO 296

App. H- 108898

**This Deed**, Made this

day of

, in the year one

thousand nine hundred and eighty-five

, by and between MARK G. AGUILAR, party of

the first part, Grantor; and RICHARD N. FOLTZ, III and DEBORAH I. FOLTZ, his wife, parties  
of the second part, Grantees.

THE ACTUAL CONSIDERATION PAID OR TO BE PAID IS \$61,400.00. This includes the cash  
payment of \$24,124.62, plus the sum of \$37,275.38, the amount of the Deed  
of Trust assumed and hereinafter referred to.

**Witnesseth:** that in consideration of the sum of Five Dollars, and other valuable considerations, the  
receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto  
the said Grantees, as tenants by the entireties, their assigns and unto the survivor  
of them, his or her heirs, personal representatives and assigns, in fee simple, all

that ----- lot(s) of ground

situate in Baltimore County

in the State of Maryland, and described as follows, that is to say:

BEING for the same at a point on the east side of Westowne Road distant four hundred  
eighty-two and ten one-hundredths feet southerly measured along said east side of  
Westowne Road from the point formed by the intersection of said east side of Westowne  
Road if extended and the southwest side of North Bend Road as shown on the Plat of  
Westowne recorded among the Land Records of Baltimore County in Plat Book CWB, JR  
No. 12 folio 53 and running thence binding on said east side of Westowne Road due  
south twenty-eight and five tenths feet to intersect a line drawn westerly through the  
center of the partition wall between the building erected on the lot now being described  
and that on the lot next adjacent to the south thence reversing said line so drawn and  
binding thereon due east one hundred feet to the west side of a fifteen foot alley there  
situate thence binding on the west side of said alley with the use thereon in common  
with others due north twenty-eight and five tenths thence at right angles to said  
Westowne Road due west one hundred feet to the place of beginning. The improvements  
thereon being known as No. 217 Westowne Road.

BEING the same lot of ground described and conveyed by a Deed, dated April 22, 1983  
and recorded among the Land Records of Baltimore County in Liber EHK, JR 6573 folio  
633, from Mark G. Aguilar and Linda J. Aguilar, his wife, to Mark G. Aguilar, the  
within named Grantor.

Subject to the legal operation and effect of a Deed of Trust dated January 17, 1979  
and recorded among the Land Records of Baltimore County in Liber EHK, JR 5986 folio  
823, between Mark G. Aguilar and Linda J. Aguilar, his wife, to William G. Hayward  
and H.A. Thackston, III, Trustees securing First Mortgage Corporation.

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

SIGNATURE

DATE 12-26-85

STATE DEPARTMENT OF  
ASSESSMENTS & TAXATION

CLERK

DATE

C 005\*\*\*\*\*98240^a E176A

EXHIBIT

4

Together with the buildings and improvements thereupon; and the right of alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

B 7071 15.00

A T T 707.00

B 7075 707.50

DEED 0 #

FHA JR T 600.50

FHA JR T 79.50

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said Grantees, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple, subject, however, to the legal operation and effect of a Deed of Trust from Grantor herein to William G. Hayward and H.A. Thackston, III, Trustees securing First Mortgage Corporation, dated January 17, 1979 and recorded among the Land Records of Baltimore County in Liber EHK, Jr 5986 folio 823, given to secure the sum of \$39,500.00, which Deed of Trust there is at the date of the execution of these presents, a balance of \$37,265.38, which said Deed of Trust and the terms and conditions thereof the said party of the second part does hereby covenant and agree to assume and perform in accordance with the terms and conditions thereof, as evidenced by their joinder in the execution and acknowledgment of these presents.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s): and grantees

WITNESS:

*[Signature]*  
*[Signature]*  
*[Signature]*

*Mark G. Aguilar* [Seal]  
 MARK G. AGUILAR

*Richard N. Foltz, III* (SEAL)  
 RICHARD N. FOLTZ, III

*Deborah I. Foltz* [Seal]  
 DEBORAH I. FOLTZ

State of Maryland, *Baltimore City*

, TO WIT:

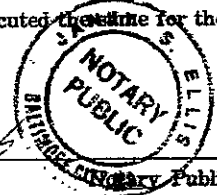
I HEREBY CERTIFY, that on this *11* day of *December*, 19 *85*, before me, a Notary Public of the State aforesaid, personally appeared

MARK G. AGUILAR, the within named Grantor

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

*[Signature]*  
 My commission expires: July 1, 1986

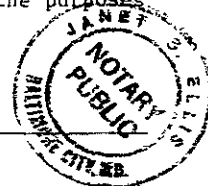


I HEREBY CERTIFY, that on this 10th day of December, 1985, before me, a Notary Public of the State aforesaid, personally appeared RICHARD N. FOLTZ, III and DEBORAH I. FOLTZ, his wife, the within named Grantees, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: July 1, 1986



#96  
BALTIMORE COUNTY  
**SAFECO** TITLE INSURANCE  
COMPANY OF MARYLAND

# DEED

## FROM

MARK G. AGUILAR

## TO

RICHARD N. FOLTZ, III AND

DEBORAH I. FOLTZ, HIS WIFE

Cost of Record, \$ 15.00

Stamps, U. S. \$ 30.95

Application No. H108898

Written by

Approved by

Ready for Record

Personal Water Lot 400  
Map H 507  
County H 300 AC.  
Tax ID 01-270400

SEND FUTURE BILLS TO:

ADDRESS: 5504 Shandonson Ave.  
Baltimore MD 21209

RETURN TO:

**SAFECO** TITLE INSURANCE  
COMPANY OF MARYLAND

TITLE BUILDING  
ST PAUL AND LEXINGTON STREETS  
BALTIMORE, MARYLAND 21202



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

December 4, 1985

Mr. Mark Aguilar  
217 Westowne Road  
Baltimore, Maryland 21229

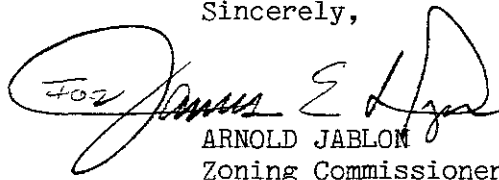
RE: Conditional Acceptance of  
Alleged Nonconforming Use  
217 Westowne Road  
1st Election District

Dear Mr. Aguilar:

Based upon the Notarized Affidavits signed by Gifford J. Aguilar and Barbara L. Kemper, this office conditionally accepts the above-referenced property/use, zoned Density, Residential (D.R.10.5), as having a nonconforming use status for a two-apartment dwelling. Said acceptance is subject, however, to the following conditions:

1. It is understood by all concerned that this acceptance does not establish an irrefutable presumption of a legal nonconforming use status for this property.
2. This decision is based upon the understanding that the use in question presently exists and the Notarized Affidavits establish a reasonable basis to permit a continuance of the use pending a challenge by any interested citizen of this conditional acceptance.
3. In the event of a challenge, this approval is automatically rescinded and, to be reestablished, a public hearing would be required.
4. In the event of a challenge, the burden of proof is entirely upon the owner of the property in question.

Sincerely,

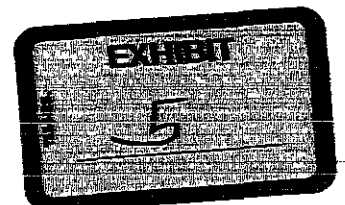
  
ARNOLD JABLON  
Zoning Commissioner

AJ:JED:nr

cc: Mr. James E. Dyer  
Zoning Supervisor

Chron. File

ENCLOSURE





1943



1989



TENANTS.L

10/24/95

Re: **History of Tenants at 217 Westowne Road, since  
Foltz Purchase**

**1ST FLOOR**

07/95 - PEGGY RHODES

04/01/94 - GLADYS S. MATTER

04/13/93 - EILEEN NELLIS

09/01/91 - LAURIE E. GRONLUND

05/11/90 - MICHELE A. MANN

02/01/86 - WILLARD ANN ELLIOTT

**2ND FLOOR**

06/07/93 - JULIE A. OWENS

06/25/90 - LOIS A. ANDERSON

05/12/89 - DEBORAH HOLLMAN

06/86 - LISA UNDERRINER

**BASEMENT FLOOR**

02/21/91 - NORMA JOHNSON

05/29/90 - KAREN CUSKER

08/89 - KATHY STABOLEPSZY



RV.AFF  
10/17/95 10/25/95

**BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY**

In The Matter of

217 Westowne Road

:

Case No.: C-95-1212

=====

**AFFIDAVIT OF  
RUTH VELKER**

=====

STATE OF MARYLAND

To Wit:

COUNTY OF BALTIMORE

I, **RUTH VELKER**, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

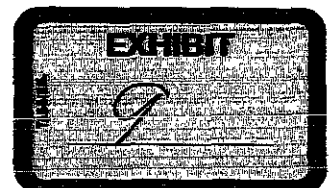
1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 3-apartment house known as 217 Westowne Road, Baltimore County, Maryland.

2. I am unrelated to the Petitioner, Richard Foltz, and I have no financial interest in the property known as 217 Westowne Road.

3. I reside at 105 Park Drive in Catonsville, Maryland 21228.

4. I own the rental property adjacent to 217 Westowne Road known as 219 Westowne Road.

5. My parents originally purchased the property known as 219 Westowne Road approximately 42 years ago. I am certain as to the approximate date, because my parents purchased the house at the same time my son was born; my son is currently 42 years old. The purchase date was April 2, 1952.





6. I inherited the property known as 219 Westowne Road upon my father's death on September 11, 1983. However, I have managed the property for the past twenty (20) years.

7. I have personal knowledge that the properties known as 221 and 217 Westowne Road have been used as multiple-family dwellings since prior to 1952. The subject property known as 217 Westowne Road has been a 3-apartment dwelling since prior to 1952. I remember that when my parents purchased 219 Westowne Road in 1952, they had some initial concerns that there were 3 apartments at 217 Westowne Road and they were advised that the property known as 217 Westowne Road had been a 3-apartment dwelling "for many years prior to 1952".

8. Mr. Foltz, the present owner of 217 Westowne Road, has kept the premises in a neat and orderly fashion since he first purchased it. In fact, he improved the property considerably as compared to the condition it was under the care the previous owner, Mark Aquilar.

9. At no time since Mr. Foltz has owned the property have I had any complaints regarding his tenants or the condition of the interior or exterior of the premises.

10. 217 Westowne Road is across the street from a small community park. There are no homes on the opposite side of the street from the subject property and there is adequate parking in the area. Moreover, 217 Westowne Road has off-site parking for at least 3 vehicles. There is a single car garage and 2 sites for parking in the rear of the property.

11. To the best of my knowledge, information, and belief, 217 Westowne Road has been continuously used as a 3-apartment residential dwelling since it was first developed for 3 apartments many years prior to 1952.

12. Prior to Mr. Foltz's purchase of the property, the home was owned by Mark Aquilar. Prior to Mr. Aquilar's purchase, the property was owned by Alberta Sellers. I am personally aware that both Mr. Aquilar and Ms. Sellers continuously used the premises as a 3-apartment dwelling.

13. I have no objections to the Zoning Commission granting a non-conforming use for 3 apartments at 217 Westowne Road.

Ruth Bishop Velker  
**RUTH VELKER**  
*Affiant*

I HEREBY CERTIFY, that on this 20 day of November, 1995, before me, a Notary Public of the State aforesaid, personally appeared **RUTH VELKER**, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of her knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

Eileen Rouse  
*Notary Public*

My Commission Expires:

8-1-98

=====

AFFIDAVIT OF  
WILLIAM L. RINACA

=====

STATE OF MARYLAND

COUNTY OF Baltimore

To Wit:

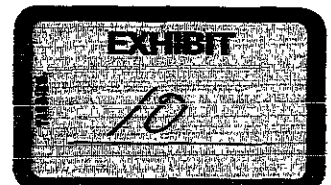
I, WILLIAM L. RINACA, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

1. I am the President of Southern Mechanical, Inc., which has been engaged in the residential and commercial plumbing and heating business since 1958.

2. I am a Licensed, Master Plumber.

3. In 1992/1993, Southern Mechanical, Inc. ("SMI") was hired by Richard N. Foltz, III to perform certain plumbing repairs and capital improvements at a 3 apartment residential structure known as *217 Westowne Place*, which is located off of Edmondson Avenue in Catonsville, Maryland. The work included replacing the original furnace and replacing certain lateral water distribution pipes.

4. The furnace was originally designed to operate with coal and it had been converted to a natural gas-fired system. The 3/4" and 1/2" water lines which we replaced had been virtually clogged closed from decades of mineral and sediment accumulation. These water lines serviced an apartment located in the basement and first floor of the building.



5. In connection with the construction of this apartment, the plumbing materials used and the methods adjoining the pipes were consistent with construction practices of the last 1930's or early 1940's and were inconsistent with more modern techniques and practices.

6. When we tore out part of the basement walls, I pointed out to the owner of the property that the walls had been stuffed with newspaper. I remember examining some of the newspapers and remarking that the newspaper contained classified ads from the early 1940's.

7. The newspaper had been stuffed in the walls as crude insulation and to prevent drafts.

William L. Rinaca  
WILLIAM L. RINACA  
Affiant

I HEREBY CERTIFY, that on this 30 day of March, 1995, before me, a Notary Public of the State aforesaid, personally appeared WILLIAM L. RINACA, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

Betty h. Metcalf  
Notary Public

My Commission Expires:  
12-1-99

PR.AFF  
10/17/95

BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY

In The Matter of

217 Westowne Place

:

Case No.: C-95-1212

=====

AFFIDAVIT OF  
PAUL RICHARDS

=====

STATE OF MARYLAND

To Wit:

COUNTY OF BALTIMORE

I, PAUL RICHARDS, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 3-apartment house known as 217 Westowne Place, Baltimore County, Maryland.

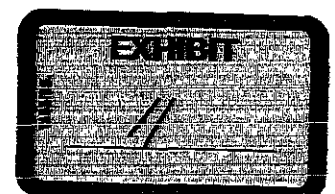
2. I am 93 years of age. I have lived at 120 Malbrook Road since 1940.

3. I am unrelated to the Petitioner, Richard Foltz, and I have no financial interest in the property known as 217 Westowne Road.

4. My residence at 120 Malbrook Road is in the same neighborhood as the property known as 217 Westowne Place.

5. My property at 120 Malbrook Road and the 217 Westowne Place property are in the "Westowne Community Association".

6. I have been a member of the Westowne Community Association since approximately 1940.



7. In the 1940's, a number of the homes in the community were converted to apartment dwellings.

8. I have performed landscaping work for Mr. Foltz at 217 Westowne Place since he originally purchased the property.

9. Mr. Foltz keeps the premises known as 217 Westowne Place in a neat and orderly manner.

10. I am unaware of any complaints from any tenants, neighbors, or the Westowne Community Association regarding Mr. Foltz's property.

*Paul R. Richards*

**PAUL RICHARDS**

*Affiant*

I HEREBY CERTIFY, that on this 10/7/95 day of October, 1995, before me, a Notary Public of the State aforesaid, personally appeared **PAUL RICHARDS**, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

*Richard H. [Signature]*

**Notary Public**

My Commission Expires:

9/96

217.COM  
12/06/95

**BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY**

In The Matter of

217 Westowne Road

:

Case No.: C-95-1212

=====

**217 WESTOWNE ROAD**

**SUMMARY OF COMMUNITY DIRECTORY**

=====

1955-56	MRS. A. SELLERS	F.C. HORLEBEIN		
1956-57	MRS. A. SELLERS W. HALL	L. FRICK T. STOKES	J. ZUBOWITZ	T. FRICK
1957-58	MRS. ALBERTA SELLERS	LARRY J. FRICK	JOS. C. ZUBOWITZ	
1959	MRS. ALBERTA SELLERS	LARRY J. FRICK	JOS. C. ZUBOWITZ	
1960	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	HAROLD CULLISON	
1961	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	ALBERT CASHOUR	
1963-64	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	CARROLL GIESE	
1968	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	GEORGE KNOX	MRS. GLORIA DAWSON
1974-76	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	GEORGE KNOX	MRS. MAE ELLIOTT
1981-83	MARK AQUILAR			
1984-86	MARK AQUILAR	ROBERT & KATHY SOUDER		
1987-89	LISA UNDERINER	ANN ELLIOTT	MARCY PEARSALL	
1990-91-92	W. ANN ELLIOTT	DEBBIE HOLMAN	MARCY PEARSALL	
1993	JAMES & LOIS SMITH			

EXHIBIT

6

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*1955-1956*



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### WESTOWNE PLACE

118 Cloney, W. C. \_\_\_\_\_ RI 7-4864  
118 Cloney, B. (Miss) \_\_\_\_\_  
118 Cloney, E. (Miss) \_\_\_\_\_  
120 Ashley, J. A. \_\_\_\_\_ RI 7-8203  
122 Lovette, H. \_\_\_\_\_ RI 7-5970  
122 Buttner, A. L. \_\_\_\_\_ RI 7-3923  
124 Gischel, W. E., Jr. \_\_\_\_\_ RI 7-3604  
126 Nuetzel, C. W. \_\_\_\_\_ RI 7-7771  
128 Sabalinskie, J. \_\_\_\_\_ RI 7-5997  
130 Quinn, M., (Mrs.) \_\_\_\_\_ RI 7-3032  
130 Tenley, C. A., Jr. \_\_\_\_\_ RI 7-3032  
132 Adams, S. A. \_\_\_\_\_ RI 7-5579  
134 Hildebrandt, R. A. \_\_\_\_\_ RI 7-5556  
136 Jackson, L. F. \_\_\_\_\_ RI 7-7816  
138 Jeschke, A. \_\_\_\_\_ RI 7-8906  
140 Tipton, D. R. (Dr.) \_\_\_\_\_ RI 7-8269  
142 Knoop, H. A. \_\_\_\_\_ RI 7-1873

### WESTOWNE ROAD

100 Cascio, S. J. \_\_\_\_\_ LO 6-3046  
102 Cascio, S. J., Jr. \_\_\_\_\_ WI 5-8966  
102 Snyder, J. S. \_\_\_\_\_ WI 5-8956  
104 Novak, K. (Mrs.) \_\_\_\_\_ RI 7-0088  
104 Wastler, M. J. \_\_\_\_\_ RI 7-8828  
106 Wehr, C. \_\_\_\_\_ RI 7-9324  
108 Sultan, W. J. \_\_\_\_\_ RI 7-1211  
108 Johnson, G. \_\_\_\_\_ RI 7-8081

110 Kirk, E. F. \_\_\_\_\_ RI 7-8580  
112 Meyers, J. L. \_\_\_\_\_ RI 7-8534  
114 Brennan, E. J. \_\_\_\_\_ RI 7-2415  
114 Moore, E. (Mrs.) \_\_\_\_\_ RI 7-2415  
116 Ballard, R. \_\_\_\_\_ RI 7-9144  
101 Cascio, S. \_\_\_\_\_ LO 6-2595  
103 Maranto, J. S. \_\_\_\_\_ LO 6-2595  
105 Plitt, F. C. \_\_\_\_\_ RI 7-7836  
107 Wingate, K. W. \_\_\_\_\_ LO 6-3154  
201 Formhals, C. A. \_\_\_\_\_ RI 7-9276  
203 Hilleary, J. \_\_\_\_\_ RI 7-3154  
203 Dorrier, Lillian (Mrs.) \_\_\_\_\_ RI 7-8613  
205 Snyder, J. F. \_\_\_\_\_ RI 7-9140  
205 Biden, W. C. \_\_\_\_\_ RI 7-2414  
207 DeFine, W. J. \_\_\_\_\_ RI 7-4905  
209 Kessler, R. H. \_\_\_\_\_ RI 7-6540  
209 Kessler, M. (Miss) \_\_\_\_\_ RI 7-6540  
211 Rensch, P. F. \_\_\_\_\_ RI 7-7873  
213 Hudert, M. E. \_\_\_\_\_ RI 7-8460  
213 Bopp, D. \_\_\_\_\_ RI 7-8460  
• 217 Sellers, A. (Mrs.) \_\_\_\_\_ WI 5-3157  
• 217 Horlebein, F. C. \_\_\_\_\_ RI 7-3081  
219 Bishop, C. A. \_\_\_\_\_ RI 7-7117  
221 Geiselman, C. W. \_\_\_\_\_  
223 Lennon, F. I. \_\_\_\_\_ RI 7-5605  
225 Grochmal, C. J. \_\_\_\_\_ RI 7-5644

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122 Lovette, H. . . . . RI 7-5970  
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124 Gischel, W. E., Jr. . . . RI 7-3604  
126 Nuetzel, C. W. . . . . RI 7-7771  
128 Sabalinskie, J. . . . . RI 7-5997  
130 Quinn, M. (Mrs.) . . . . RI 7-3032  
130 Tenley, C. A., Jr. . . . . RI 7-3032  
132 Adams, S. A. . . . . RI 7-5573  
134 Hildebrandt, R. A. . . . RI 7-5556  
136 Jackson, L. F. . . . . RI 7-7816  
138 Jeschke, A. . . . . RI 7-8906  
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140 Tipton, D. R. (Dr.) . . . RI 7-8269  
142 Knoop, H. A. . . . . RI 7-1873

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100 Cascio, S. J. . . . . LO 6-3046  
102 Mayo, H. B., Jr. . . . . RI 4-0715  
104 Novak, K. (Mrs.) . . . . RI 7-0088  
104 Wastler, M. J. . . . . RI 7-8828  
106 Wehr, C. . . . . RI 7-9324  
108 Sultan, W. J. . . . . RI 7-1211  
110 Kirk, E. F. . . . . RI 7-8580  
112 Meyers, J. L. . . . . RI 7-8534  
114 Brennan, E. J. . . . . RI 7-2415

114 Moore, E. (Mrs.) . . . . RI 7-2415  
116 Zelda, F. (Mrs.) . . . . RI 7-1705  
  
101 Cascio, S. . . . . LO 6-2595  
103 Maranto, J. S. . . . . LO 6-2595  
105 Phitt, F. C. . . . . RI 7-7836  
107 Loesch, M. W. . . . . RI 7-4086  
201 Formhals, C. A. . . . . RI 7-9276  
203 Hilleary, J. . . . . RI 7-3154  
203 Dorrier, Lillian (Mrs.)  
205 Snyder, J. F. . . . . RI 7-9140  
205 Biden, W. C. . . . . RI 7-2414  
207 DeFine, W. J. . . . . RI 7-4905  
209 Kessler, R. H.  
209 Kessler, M. (Miss) . . . RI 7-6540  
211 Rensch, P. F. . . . . RI 7-7873  
213 Hudert, C. A. . . . . RI 7-8460  
213 Bopp, D. . . . . RI 7-8460  
215 Sedia, E. . . . . RI 7-9170  
• 217 Sellers, A. (Mrs.) . . . WI 5-3157  
• 217 Frick, L. . . . . RI 7-6870  
• 217 Zubowitz, J. C. . . . . RI 7-6870  
• 217 Frick, T. . . . . RI 7-6870  
• 217 Hall, W. . . . . RI 7-6870  
• 217 Stokes, T. . . . . RI 7-6870  
219 Bishop, C. A. . . . . RI 7-7117  
221 Geiselman, C. W. . . . . RI 7-4198  
221 Wockenfus, J.  
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225 Grochmal, Pauline E. (Mrs.) RI 7-5644

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103 Maranto, Joseph LO 6-2595  
105 Plitt, Franklin C. RI 7-7836  
107 Loesch, Martin W. RI 7-4086  
107 Schermerhorn, Morgan RI 7-4086  
107 Stem, Ruth (Mrs.) RI 7-4086

201 Formhals, Christian A. RI 7-9276  
203 Hilleary, John R. RI 7-3154  
203 Dorrier, Lillian (Mrs.) RI 7-8613  
205 Snyder, John F. RI 7-9140  
205 Snyder, Harry E. RI 7-8327  
207 Define, William J. RI 7-4905  
209 Kessler, Raymond H.  
209 Kessler, Marie E. (Miss) RI 7-6540

211 Rensch, Philip F. RI 7-7873  
213 Borton, J. Howard, Jr. RI 4-0741  
215 Sebra, Ernest P. RI 7-9170  
217 Sellers, Alberta (Mrs.) RI 4-2737  
217 Zubowitz, Jos. C. RI 4-2737  
217 Frick, Larry J. RI 7-6870  
219 Bishop, C. Albert RI 7-7117  
221 Wockenfoss, Jack P. RI 7-0640  
221 Matusky, Leonard J., Jr. RI 7-8953

227 Stricker, John B. RI 7-8952  
229 Shamer, Maurice K. RI 4-0640  
231 Drummey, Leo L. RI 7-5351  
231 Coursey, John W. RI 7-5298  
233 Zahn, Edwin L., Jr. RI 7-4957  
235 Ashley, Charles L. RI 7-2065

### WESTOWNE ROAD

301 Desch, Eugene R. RI 7-5081  
301 Dougherty, Sophia (Mrs.) RI 7-4766  
303 Jenkins, Floyd RI 7-8586  
303 Haynie, M. A. (Mrs.) RI 7-8586  
303 Haynie, Louise (Miss) RI 7-8586  
305 Bennett, Holly W., Sr. RI 7-5097  
307 O'Neill, Frank J. RI 7-9393  
309 Todd, Edwin L. RI 7-7677  
311 Duggan, Michael RI 7-4844  
313 Zinser, Leonard RI 7-9499  
315 O'Brien, John RI 7-2966  
317 Davis, Thomas J. RI 7-5395  
319 Lentz, H. Edgar, Sr. RI 7-5546  
321 Fowler, Henry C. RI 7-9190  
323 Flanagan, Carroll J.  
325 Fields, John H.  
325 Zang, Ethel C. (Mrs.)

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| 330 Shawen, Francis K. RI 7-8774     | 221 Reier, Katherine RI 4-4824      |
| 332 Janes, David O. RI 7-4544        | 223 Lennon, F. Irvin RI 7-5605      |

### WESTOWNE ROAD

- |   |   |
|---|---|
| 101 Cascio, Dorothy (Miss) LO 6-2595    | 225 Grochmal, Pauline E. (Mrs.) RI 7-5644 |
| 101 Cascio, Sadie (Miss) LO 6-2595      | 227 Stricker, John B. RI 7-8952           |
| 103 Maranto, Joseph LO 6-2595           | 229 Brooks, Francis M. RI 4-5473          |
| 105 Plitt, Franklin C. RI 7-7836        | 229 Fauble, Melvin RI 4-3072              |
| 107 Loesch, Martin W. RI 7-4086         | 221 Drummey, Leo L. RI 7-5351             |
| 107 Knowies, Kathi RI 7-4086            | 231 Coursey, John W. RI 7-5298            |
| 107 Stem, Ruth (Mrs.) RI 7-4086         | 233 Zahn, Edwin L., Jr. RI 7-4957         |
| 201 Formhals, Christian A. RI 7-9276    | 235 Ashley, Charles L. RI 7-2065          |
| 203 Hilleary, John R. RI 7-3154         |   |
| 203 Dorrier, Lillian (Mrs.) RI 7-8612   |   |
| 205 Matusky, Leonard J., Jr. RI 7-8953  |   |
| 205 Konkell, Robert C. RI 4-4996        |   |
| 207 Define, William J. RI 7-4905        |   |
| 209 Kessler, Raymond H.                 |   |
| 209 Kessler, Marie E. (Miss) RI 7-6540  |   |
| 211 Rensch, Philip F. RI 7-7873         |   |
| 213 Borton, J. Howard, Jr. RI 4-0741    |   |
| 215 Sebra, Ernest P. RI 7-9170          |   |
| • 217 Sellers, Alberta (Mrs.) RI 4-2737 |   |
| • 217 Zubowitz, Jos. C. RI 4-2737       |   |
| • 217 Frick, Larry J. RI 7-6870         |   |
| 219 Bishop, C. Albert RI 7-7117         |   |
| 221 Smith, Lillian (Mrs.) RI 4-5142     |   |
|   | WESTOWNE ROAD                             |
|   | 301 Desch, Eugene R. RI 7-5081            |
|   | 301 Dougherty, Sophia (Mrs.) RI 7-4766    |
|   | 303 Jenkins, Floyd RI 7-8586              |
|   | 303 Haynie, M. A. (Mrs.) RI 7-8586        |
|   | 303 Haynie, Louise (Miss) RI 7-8586       |
|   | 305 Bennett, Holly W., Sr. RI 7-5097      |
|   | 307 O'Neill, Frank J. RI 7-9393           |
|   | 309 Todd, Edwin L. RI 7-7677              |
|   | 211 Duggan, Michael RI 7-4844             |
|   | 213 Zinser, Leonard RI 7-9499             |
|   | 315 O'Brien, John RI 7-2963               |
|   | 317 Davis, Thomas J. RI 7-5395            |
|   | 319 Lentz, H. Edgar, Sr. RI 7-5546        |
|   | 321 Fowler, Henry C. RI 7-9190            |

70

# *Westowne*

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*1960*



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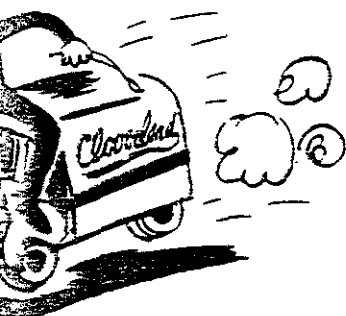
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## Residents of Westowne

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330 Shawen, Francis K. RI 7-8774	221 Hall, Wm. E. (Mrs.) RI 4-4824
332 Janes, David O. RI 7-4544	221 Reier, Katherine RI 4-4824

### WESTOWNE ROAD

101 Cascio, Dorothy (Miss) LO 6-2595	225 Grochmal, Calvin J. RI 7-5644
101 Cascio, Sadie (Miss) LO 6-2595	225 Grochmal, Pauline E. (Mrs.)
103 Maranto, Joseph LO 6-2595	227 Stricker, John B. RI 7-8952
105 Plitt, Franklin C. RI 7-7836	229 Brooks, Francis M. RI 4-5473
107 Loesch, Martin W. RI 7-4086	229 Towles, Paul RI 4-3428
107 Stem, Ruth (Mrs.) RI 7-4086	231 Drummey, Leo L. RI 7-5351
201 Formhals, Christian A.	231 Jones, Arthur F., Jr. (Dr.) RI 4-4559
203 Hilleary, John R. RI 7-3154	233 Zahn, Edwin L., Jr. RI 7-4957
203 Mules, Edna M. (Mrs.) RI 4-3640	235 Ashley, Charles L. RI 7-2065

### WESTOWNE ROAD

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205 Konkle, Robert C. RI 4-4996	301 Dougherty, Sophia (Mrs.) RI 7-4766
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209 Kessler, Raymond H.	305 Bennett, Holly W., Sr. RI 7-5097
209 Kessler, Marie E. (Miss) RI 7-6540	307 O'Neill, Frank J. RI 7-9393
211 Rensch, Philip F. RI 7-7873	309 Leidner, C. Ruth (Mrs.) RI 4-4953
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| 105 Plitt, Franklin C. RI 7-7836    |           | 229 Buttner, Anna L. (Miss)       |
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| 209 Kessler, Raymond H.               |           | RI 7-4766                            |
| 209 Kessler, Marie E. (Miss)          | RI 7-6540 | 303                                  |
|                                       |           | 305 Bennett, Holly W., Sr. RI 7-5097 |
| 211 Rensch, Philip F. RI 7-7873       |           | 307 O'Neill, Frank J. RI 7-9393      |
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| 213 Borton, Jerry                     | RI 7-9170 | RI 4-4953                            |
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| 215 Hoover, Jos. E. (Mrs.)            |           | 315 O'Brien, John RI 7-2966          |
| 217 Sellers, Alberta (Mrs.) RI 4-2737 |           | 317 Davis, Thomas J. RI 7-5395       |
| 217 Zubowitz, Jos. C. RI 4-2737       |           | 319 Woodall, John B. RI 4-3526       |
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203 Mules, Edna M. (Mrs.) ....RI 4-3640  
205 Lepper, Florence (Mrs.) .....RI 4-1083  
205 Stout, Charity (Mrs.) .....  
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227	Stricker, John B.	747-8952
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231	Baccellieri, Franco	747-7947
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205		
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227	Stricker, John B.	747-8952
229	Blackert, Mark	744-1887
231	SULLIVAN, BECKA	
231	RUFF, MICHAEL - DEBBY	744-5297
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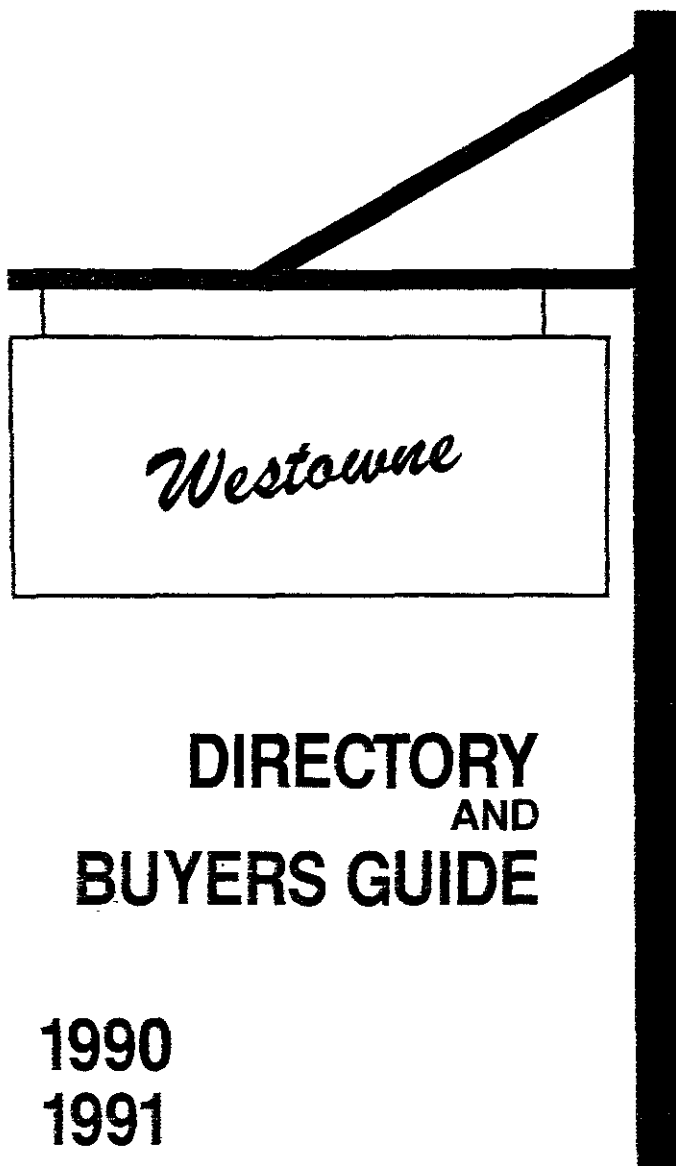
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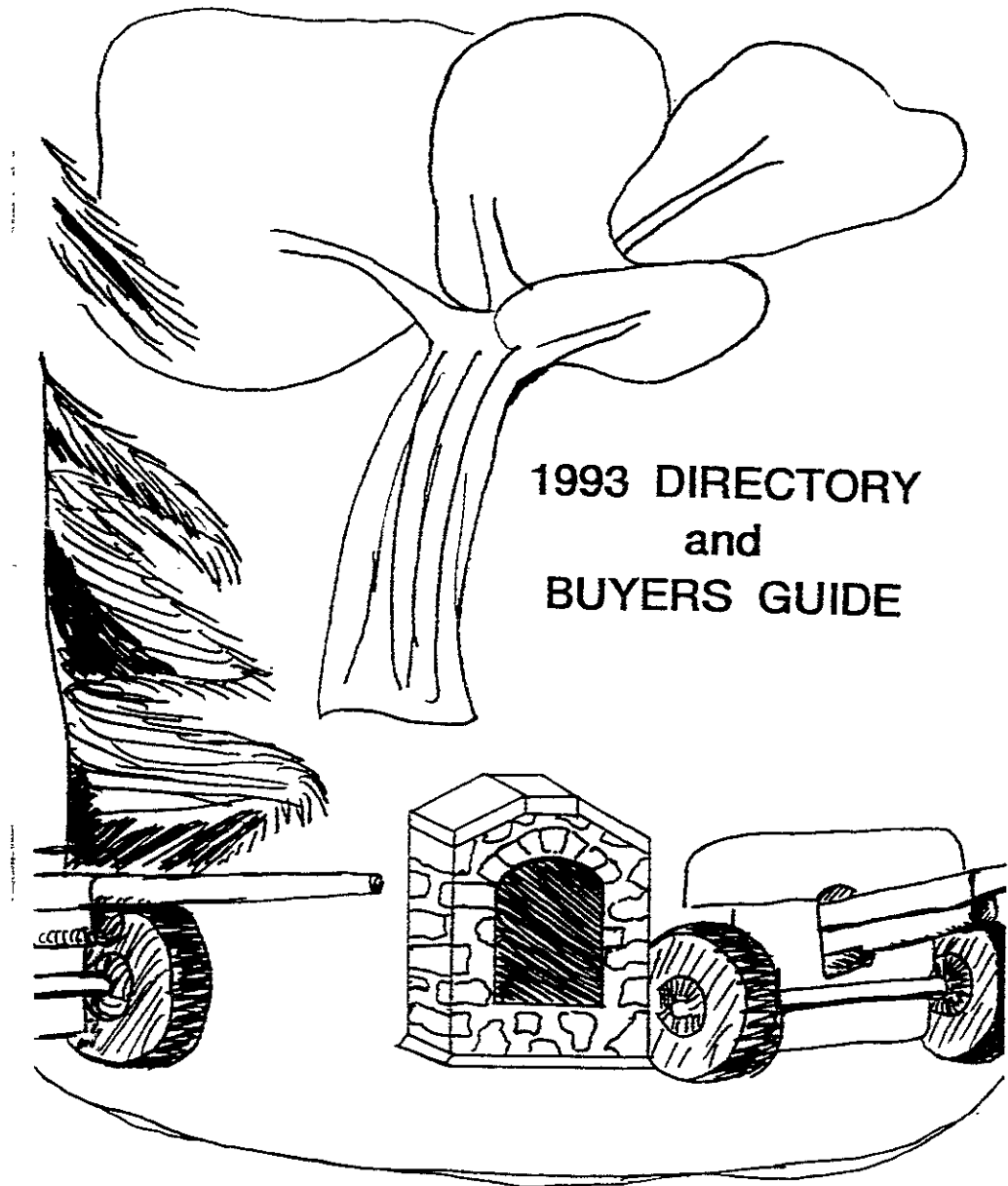


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	747-8711
Virginia	744-8220
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and Kittie	747-5127
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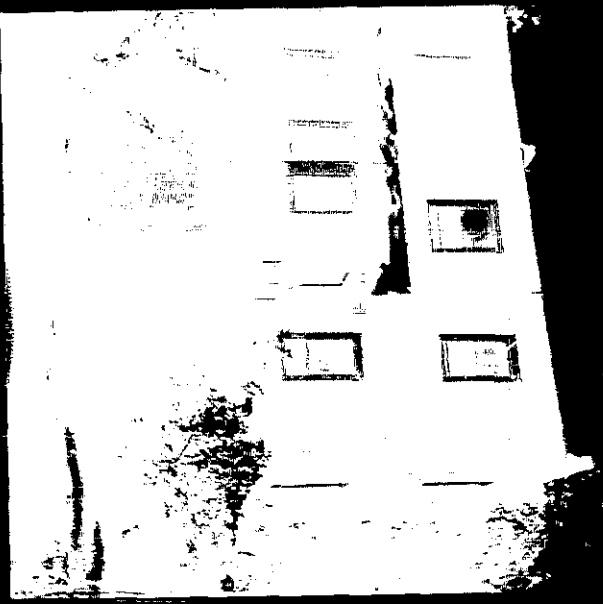
118	LeCompte, Robert and Margo	788-7160
120	O'Donnell, Sean	455-0256
122	Schneider, Virginia	747-8677
124	Kelban, Steve and Judy	747-0317
126	Mayer, Doug	744-5348
128	Sabalaukas, Judy	747-5997
130	Skelley, Virginia	788-5544
132	Adams, Eugenia	747-5579
134	Hildebrandt, Ray	747-5556
136	Taylor, Lynn	788-1219
138	Haker, Shawna	747-7443
138	Shipley, Theima	788-1043
140	Achenbach, Sarah and	744-1372
	Knott, Jayson	744-1372
142	Tipton, Terry	788-3418

The Residents Of  
WESTOWNE ROAD

100	Phelps, Mrs. Samuel	Unlisted
101	Cascio, Dorothy	747-4224
102	Harris, Stewart and Janet	788-7611
103	Power, Ellen	Unlisted
104	Dawson, Tim	747-6977
105	Plitt, Franklin	747-7836
106	Trent, Roger	
107	Cocker, Patrick	Unlisted
108		
110	Quinn, Richard	747-1726
112	Lamb, Melvin	
114	Gettier, Bill	Unlisted
116		
201	Formhals, Mrs. Christian	744-3815
203 A	Rodgers, Scott	744-1627
203 B	Seiko, David	Unlisted
205 A	Smith, Craig	744-5720
205 B	Heffernan, Deirdre	744-8617
207	Underriner, Lisa	747-5077
209 A	Hambleton, Regina	744-9164
209 B	Hambleton, Celia	747-0119
211	Bittel, Tracey	747-4584
213	Smith, Mary	744-7392
215	Rollman, Chris	Unlisted
• 217	Smith, James and Lois	747-2205
219	Suarez, Desales and	744-2120
	Lamki, Janet	744-2120



#217 WESTOWNE RD.



REAR 217 WESTOWN RD.  
DATE OF PHOTOS 2 OCT 95

**PLAT TO ACCOMPANY PETITION FOR A SPECIAL HEARING**

217 Westowne Road  
Baltimore County, Maryland

**MALMUD & ASSOCIATES, INC.**

Prepared by

96-181-504

182

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208

IN RE: PETITION FOR SPECIAL HEARING  
E/S Westowne Place, 428.01' S  
of North Bend Road  
(217 Westowne Place)  
1st Election District  
1st Councilmanic District  
Richard N. Foltz, III, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-181-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 217 Westowne Place, located in the vicinity of Edmondson Avenue in Catonsville. The petition was filed by the owners of the property, Richard N. Foltz, III, and his wife, Deborah I. Foltz. The Petitioners seek approval of the subject property as a legal, nonconforming three apartment dwelling, or, in the alternative, as a nonconforming two apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard Foltz, III, legal owner of the property, and Herbert Malmud, Registered Land Surveyor, who prepared the site plan for this Project. Appearing in opposition to the Petitioners' request were Donald and Joan O'Rem, John Marlatt, and Paul Richard, all residents of the surrounding community.

Testimony and evidence offered revealed that the subject property consists of 0.07 acres, more or less, zoned D.R. 10.5 and is improved with a two-story, brick, end of group townhouse which presently contains three apartments. Testimony indicated that the Petitioners purchased the property in December, 1985 at which time it contained three apartments and that

it has been used as such since that time. In addition, the site plan and other documentation submitted indicates that the property has been used as a three apartment dwelling at least since the Petitioners' purchase of same in 1985.

As noted above, several individuals appeared in opposition to the Petitioners' request; however, they were unable to offer substantive testimony concerning the historical use of the subject property.

In order to be granted a non-conforming use as a three apartment dwelling, the Petitioner must establish that the property contained three apartments prior to 1945. A letter dated December 4, 1985 and written by then Zoning Commissioner, Arnold Jablon, indicates that a conditional, nonconforming use of the subject property as a two-apartment dwelling was granted to Mark Aguilar, the owner of the property at that time. It would seem logical that if the property had been utilized as three apartments prior to 1985, Mr. Jablon would have granted conditional approval for three apartments and not two. Given those circumstances and the fact that the Petitioner was unable to offer sufficient documentation to support the nonconforming use of the subject property as a three apartment dwelling prior to 1985, the relief requested in the Petition for Special Hearing shall be granted in part and denied in part.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be

- 2 -

shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945 for a three apartment use and 1955 for a two apartment use.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

- 3 -

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKenny v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two apartment dwelling since prior to 1955, and as such, enjoys a legal nonconforming use for such use. However, as noted earlier in this opinion, there was insufficient evidence to support a finding that the property enjoys a legal nonconforming use as a three apartment dwelling. Therefore, only the alternative relief sought in the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of December, 1995 that the subject property enjoys a legal, nonconforming use as a two-apartment dwelling, and as such, the alternative relief sought within the Petition for Special Hearing has been GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of the nonconforming use of the subject property as a three apartment dwelling, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order in which to file an appeal.

TMK:bjs  
Deputy Zoning Commissioner  
for Baltimore County



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

December 14, 1995

Mr. & Mrs. Richard N. Foltz, III  
11 Ivy Bridge Court  
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING  
E/S Westowne Place, 428.01' S of North Bend Road  
(217 Westowne Place)  
1st Election District - 1st Councilmanic District  
Richard N. Foltz, III, et ux - Petitioners  
Case No. 96-181-SPH

Dear Mr. & Mrs. Foltz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Ketroco*  
TIMOTHY M. KETROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Donald O'Rem  
5512 Ashbourne Road, Baltimore, Md. 21227

Mr. John Marlatt  
305 Westshire Road, Baltimore, Md. 21229

Mr. Paul R. Richard  
820 Malbrook Road, Baltimore, Md. 21229

People's Counsel; Case File



## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 217 Westowne Place, Catonsville  
which is presently zoned D.R.10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the above-referenced property, zoned Density, Residential (D.R.10.5), as having a non-conforming use status for a three (3) apartment (or alternatively) a two (2) apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Type of Petition

Signature

Address

City

State

Zip

City

State

Zip

City

State

Zip

Legal Owner(s)

Richard N. Foltz, III

Type of Petition

Signature

Deborah I. Foltz

Address

11 Ivy Bridge Court

Reisterstown, MD 21136

City

State

Zip

City

State

Zip

City

State

Zip

City

State

Zip

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208  
TELEPHONE (410) 653-9511

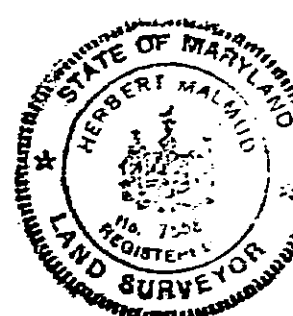
DESCRIPTION FOR ZONING PETITION  
217 WESTOWNE ROAD  
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME ON THE EAST SIDE OF WESTOWNE ROAD AT A POINT DISTANT 482.01 FEET SOUTHERLY FROM THE SOUTHWEST SIDE OF NORTH BEND ROAD, THENCE BINDING ON WESTOWNE ROAD:

- (1) DUE SOUTH 28.50 FEET, THENCE LEAVING WESTOWNE ROAD AND RUNNING THE THREE (3) FOLLOWING COURSES AND DISTANCES:
- (2) DUE EAST 100.00 FEET,
- (3) DUE NORTH 28.50 FEET AND
- (4) DUE WEST 100.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.07 OF AN ACRE OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.



HERBERT MALMUD  
REGISTERED LAND SURVEYOR  
MARYLAND # 7558

OCTOBER 7, 1995

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 11/19/95  
Posted for: Special Hearing  
Petitioner: Richard N. Foltz, III  
Location of property: 217 Westowne Place  
Location of Sign: Along road along property line  
Remarks: 10/19/95  
Posted by: TMK:bjs Date of return: 11/24/95  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 16, 1995.

THE JEFFERSONIAN,  
*A. H. Henshaw*  
LEGAL AD. - TOWSON



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 230-172 ACCOUNT: R-001-6150  
AMOUNT: \$285.00  
RECEIVED FROM: 76-181-SPH  
FOR: 217 Westowne Rd  
C56348#0051MCHRC \$285.00  
BA C002339MID-26-95

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 182 Petitioner: RICHARD N. FOLTZ III

Location: 217 WESTOWNE RD 21229

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD N. FOLTZ III

ADDRESS: 11 IVY BRIDGE COURT

REISTERSTOWN, MD 2136

PHONE NUMBER: 410-526-6062

Printed with Soybean Ink  
on Recycled Paper

12

TO: SUBMITTER'S PRINTING COMPANY  
November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Richard M. Foltz, III  
11 Ivy Bridge Court  
Reisterstown, MD 21136  
526-6262

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-181-SPH (Item 182)

217 Westowne Place  
217 Westowne Road, 428.01' S of North Bend Road  
1st Election District - 1st Councilmanic  
Legal Owner: Richard M. Foltz, III and Deborah I. Foltz

Special Hearing to approve the property as having a non-conforming use status for a three-apartment (or alternatively) a two-apartment dwelling.

HEARING: THURSDAY, DECEMBER 7, 1995 at 2:30 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMITZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-181-SPH (Item 182)

217 Westowne Place  
217 Westowne Road, 428.01' S of North Bend Road  
1st Election District - 1st Councilmanic  
Legal Owner: Richard M. Foltz, III and Deborah I. Foltz

Special Hearing to approve the property as having a non-conforming use status for a three-apartment (or alternatively) a two-apartment dwelling.

HEARING: THURSDAY, DECEMBER 7, 1995 at 2:30 p.m. in Room 106, County Office Building.

Arnold Jablon  
Director

cc: Richard M. Foltz, III and Deborah I. Foltz

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 30, 1995

Mr. and Mrs. R. N. Foltz, III  
11 Ivy Bridge Court  
Reisterstown, MD 21136

RE: Item No.: 182  
Case No.: 96-181-SPH  
Petitioner: R. N. Foltz, et ux

Dear Mr. and Mrs. Foltz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/07/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STDF-1105

RE: Property Owner: RICHARD M. FOLTZ & BETTY R. FOLTZ  
/RE  
LOCATION: E/S WESTOWNE RD. 428.01' S OF NORTH BEND RD. (217 WESTOWNE PL.)

Item No.: 182 Zoning Agenda: SPECIAL HEARINGS

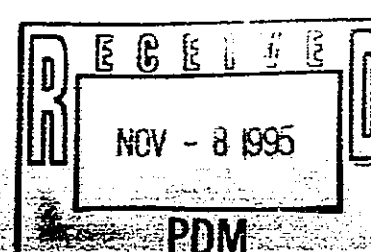
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4861, RS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for November 13, 1995  
Item No. 182

The Development Plans Review Division has reviewed the subject zoning item. The issue of adequate onsite parking shall be addressed.

RWB:sw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: November 7, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 132, 176, 179, 180, 181, 182, and 183.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long  
Division Chief: Gary L. Klein

PK/JL

ITEM176/PZONE/ZAC1





Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 182 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 17, 1996

Richard N. Foltz, III, Esquire  
Law Offices of Richard N. Foltz, III Chartered  
11 Ivy Bridge Court  
Reisterstown, MD 21136-5951

RE: Tape Duplication  
Case #96-181-SPH  
Case #96-180-SPH

Dear Mr. Foltz:

In response to your letter of December 21, 1995 requesting a copy of the tape for the two above referenced hearings, please be advised that the original hearing tapes are no longer available due to a mechanical problem with the cassette recorder at the time of the hearing.

If you have any questions regarding this matter, please do not hesitate to contact me at 887-3391.

Very truly yours,

*John R. Fernando*  
John R. Fernando  
Planning & Zoning Associate III  
Zoning Review

JRF:scj

RE: PETITION FOR SPECIAL HEARING \*  
217 Westowne Place, E/S Westowne Road. \*  
428.01' S of North Bend Road \*  
1st Election District, 1st Councilmanic \*  
Richard N. and Deborah I. Foltz, III \*  
Petitioners \*  
\* \* \* \* \*

BEFORE THE \*  
ZONING COMMISSIONER \*  
OF BALTIMORE COUNTY \*  
CASE NO. 96-181-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Charles S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard N. and Deborah I. Foltz, III, 11 Ivy Bridge Court, Reisterstown, MD 21136, Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

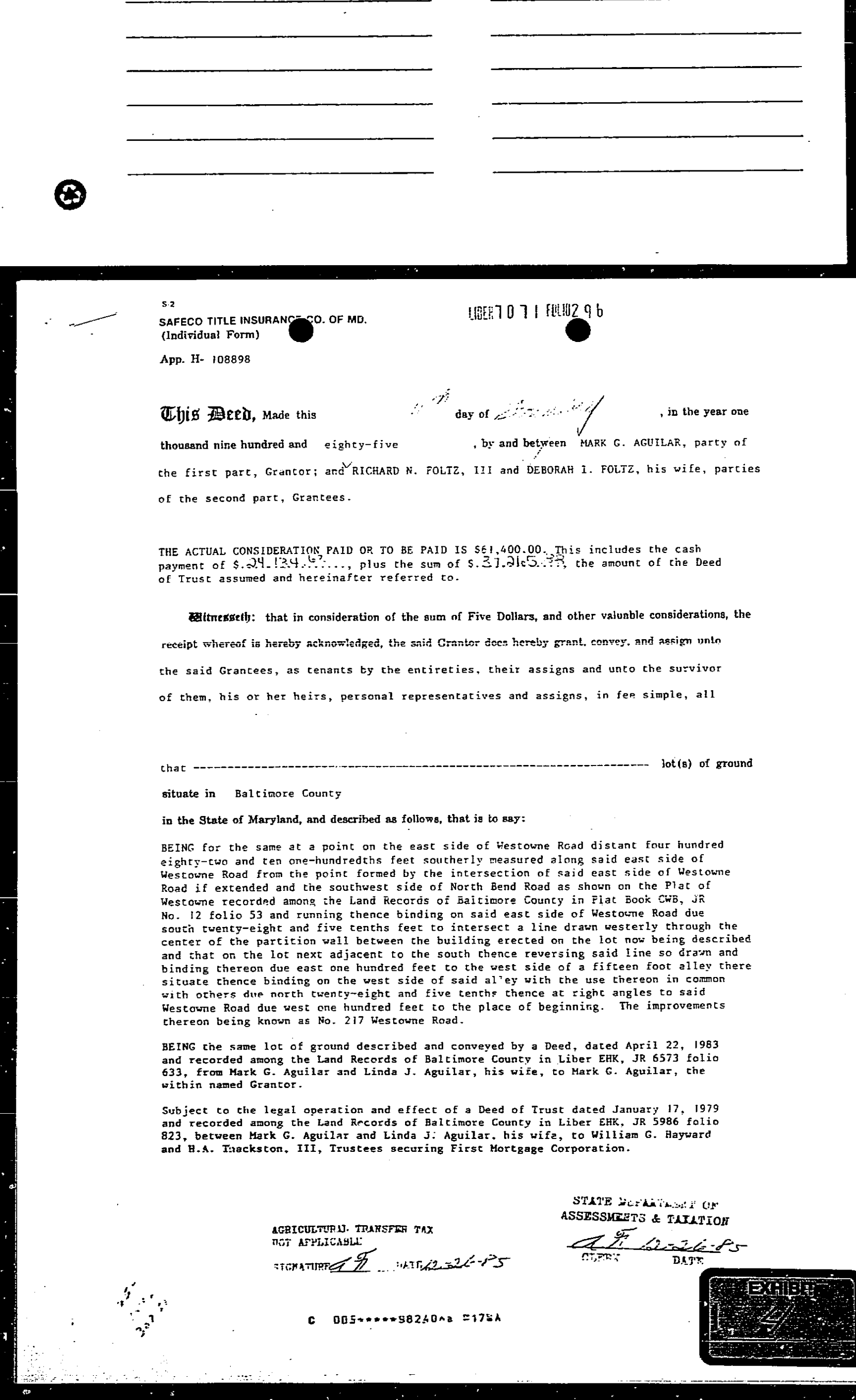
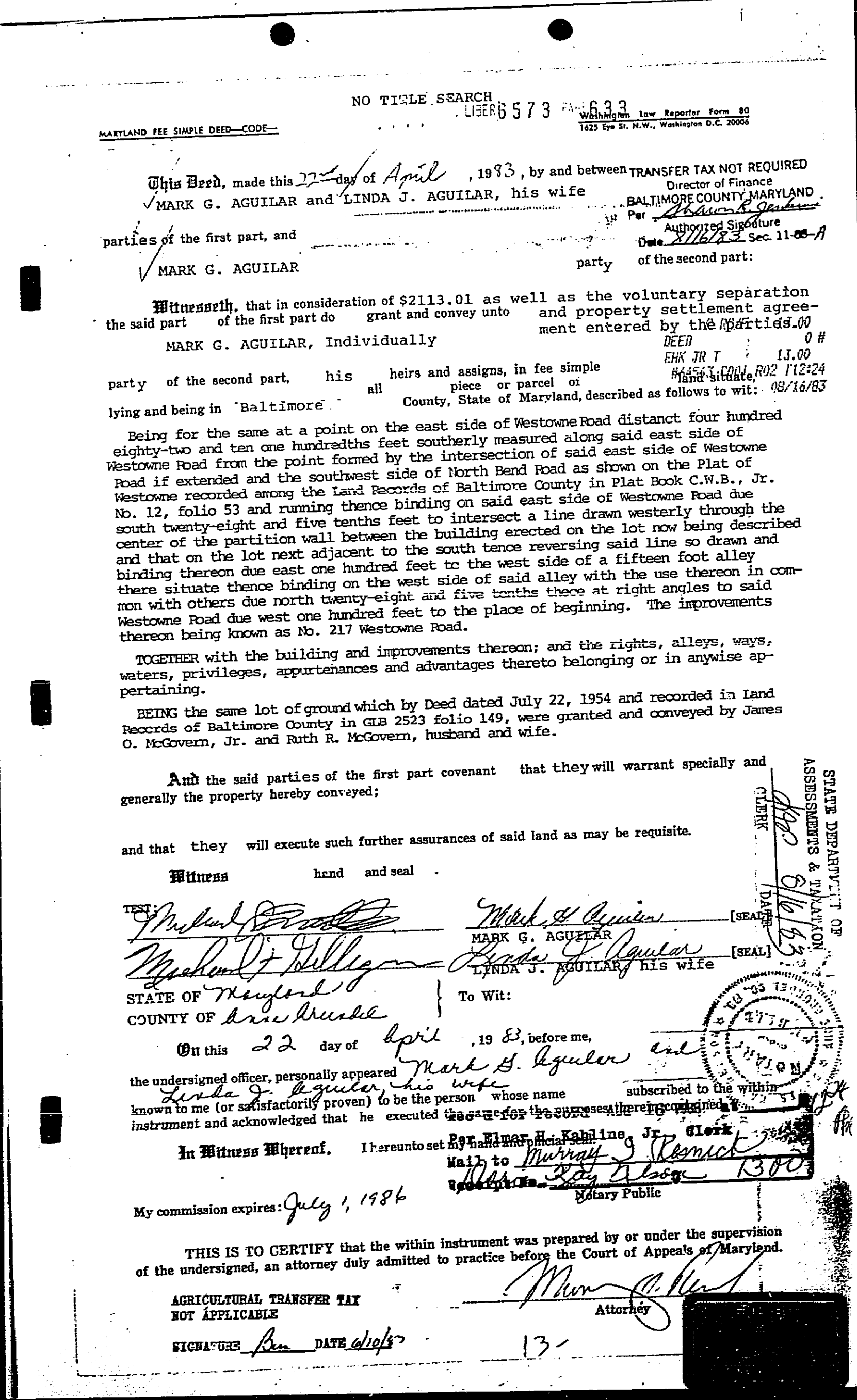
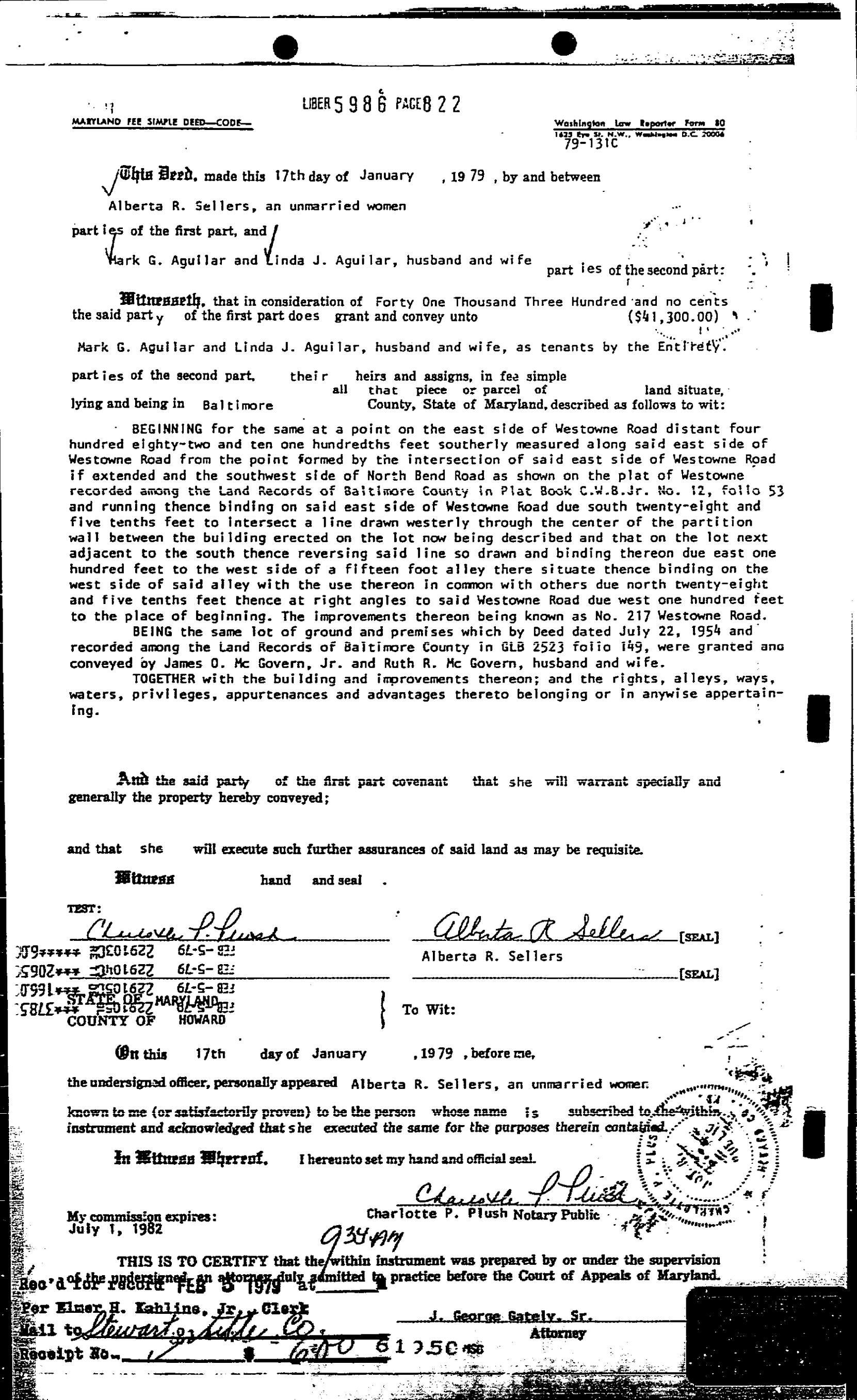
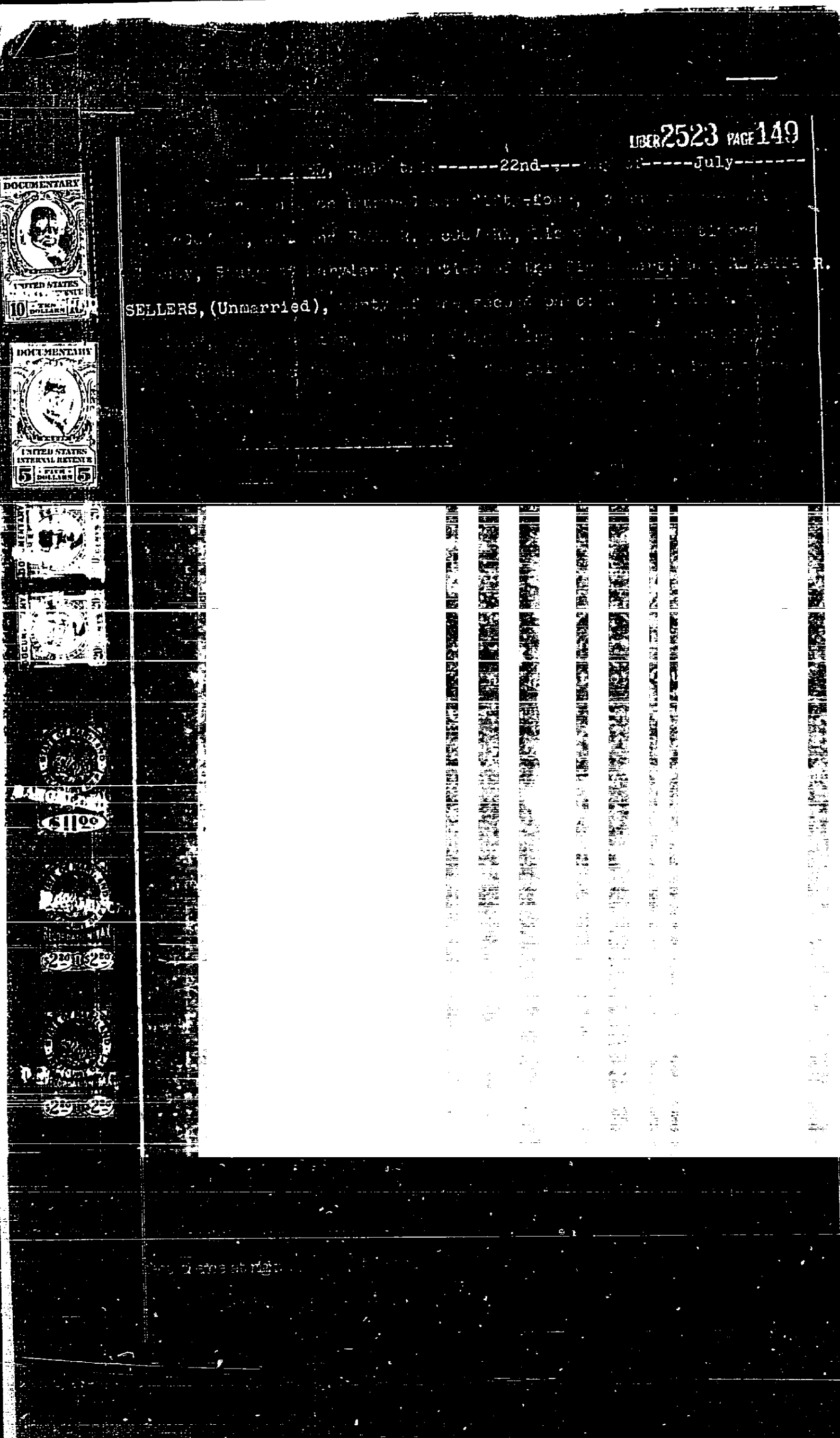
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Richard N. Foltz</i>	<i>EDMUNSON PARK</i>
<i>DEBORAH I. FOLTZ</i>	<i>317 WESTOWNE</i>
<i>HERBERT MALMUD</i>	<i>100 CHURCH LANE #21208</i>

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
<i>Donald S. O'Brien</i>	<i>5512 BASHAW RD.</i>
<i>John C. M. M. M. M.</i>	<i>Baltimore Md 21277</i>
<i>John C. M. M. M. M.</i>	<i>305 Westshire Rd.</i>
<i>Paul R. Richards</i>	<i>Baltimore Md. 21229</i>
<i>Paul R. Richards</i>	<i>120 Melbrook Rd</i>
<i>Paul R. Richards</i>	<i>Baltimore Md 21229</i>







BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-5353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER  
December 4, 1985

Mr. Mark Aguilar  
217 Westowne Road  
Baltimore, Maryland 21229

RE: Conditional Acceptance of  
Alleged Nonconforming Use  
217 Westowne Road  
1st Election District

Dear Mr. Aguilar:

Based upon the Notarized Affidavits signed by Gifford J. Aguilar and Barbara L. Kemper, this office conditionally accepts the above-referenced property/use, zoned Density, Residential (D.R.10.5), as having a nonconforming use status for a two-apartment dwelling. Said acceptance is subject, however, to the following conditions:

1. It is understood by all concerned that this acceptance does not establish an irrefutable presumption of a legal nonconforming use status for this property.
2. This decision is based upon the understanding that the use in question presently exists and the Notarized Affidavits establish a reasonable basis to permit a continuance of the use pending a challenge by any interested citizen of this conditional acceptance.
3. In the event of a challenge, this approval is automatically rescinded and, to be reestablished, a public hearing would be required.
4. In the event of a challenge, the burden of proof is entirely upon the owner of the property in question.

Sincerely,

*James E. Dyer*  
ARNOLD JABLON  
Zoning Commissioner

AJ:JED:mr

cc: Mr. James E. Dyer  
Zoning Supervisor

Chron. File



217.COM4  
12/06/85

BEFORE THE ZONING COMMISSION  
OF BALTIMORE COUNTY

In The Matter of

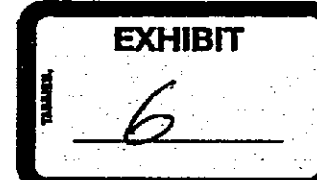
217 Westowne Road

Case No.: C-95-1212

217 WESTOWNE ROAD

SUMMARY OF COMMUNITY DIRECTORY

1955-56	MRS. A. SELLERS	F.C. HOLLERBEIN		
1956-57	MRS. A. SELLERS	L. FRICK	J. ZUBOWITZ	T. FRICK
	V. MALL	T. STOKES		
1957-58	MRS. ALBERTA SELLERS	LARRY J. FRICK	JOS. C. ZUBOWITZ	
1959	MRS. ALBERTA SELLERS	LARRY J. FRICK	JOS. C. ZUBOWITZ	
1960	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	HAROLD CULLISON	
1961	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	ALBERT CASHOUR	
1963-64	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	CARROLL GIESE	
1968	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	GEORGE KNOX	MRS. GLORIA DAMSON
1974-76	MRS. ALBERTA SELLERS	JOS. C. ZUBOWITZ	GEORGE KNOX	MRS. MAE ELLIOTT
1981-83	MARK AGUILAR			
1984-86	MARK AGUILAR	ROBERT & KATHY SOLDER		
1987-89	LISA UNDERTNER	ANN ELLIOTT	MARCY PEARSALE	
1990-91-92	V. ANN ELLIOTT	DEBBIE HOLMAN	MARCY PEARSALE	
1993	JAMES & LOIS SMITH			



1943



1989



TENANTS:L  
10/24/95

Re: History of Tenants at 217 Westowne Road, since  
Foltz Purchase

1ST FLOOR

07/95 - PEGGY RHODES  
04/01/94 - GLADYS S. MATTER  
04/13/93 - EILEEN NELLIS  
09/01/91 - LAURIE E. GRONLUND  
05/11/90 - MICHELE A. MANN  
02/01/86 - WILLARD ANN ELLIOTT

2ND FLOOR

06/07/93 - JULIE A. OWENS  
06/25/90 - LOIS A. ANDERSON  
05/12/89 - DEBORAH HOLLMAN  
06/86 - LISA UNDERRINER

BASEMENT FLOOR

02/21/91 - NORMA JOHNSON  
05/29/90 - KAREN CUSKER  
08/89 - KATHY STABOLEPSZY



RV.AFF  
10/17/95 10/26/96

BEFORE THE ZONING COMMISSION  
OF BALTIMORE COUNTY

In The Matter of

217 Westowne Road

Case No.: C-95-1212

AFFIDAVIT OF  
RUTH VELKER

STATE OF MARYLAND  
COUNTY OF Baltimore To Wit:

I, RUTH VELKER, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 3-apartment house known as 217 Westowne Road, Baltimore County, Maryland.
2. I am unrelated to the Petitioner, Richard Foltz, and I have no financial interest in the property known as 217 Westowne Road.
3. I reside at 105 Park Drive in Catonsville, Maryland 21228.
4. I own the rental property adjacent to 217 Westowne Road known as 219 Westowne Road.
5. My parents originally purchased the property known as 219 Westowne Road approximately 42 years ago. I am certain as to the approximate date, because my parents purchased the house at the same time my son was born; my son is currently 42 years old. The purchase date was April 2, 1952.

-1-

WLR.AFF  
03/10/95

AFFIDAVIT OF  
WILLIAM L. RINACA

STATE OF MARYLAND  
COUNTY OF Baltimore To Wit:

I, WILLIAM L. RINACA, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

1. I am the President of Southern Mechanical, Inc., which has been engaged in the residential and commercial plumbing and heating business since 1968.
2. I am a Licensed, Master Plumber.
3. In 1992/1993, Southern Mechanical, Inc. ("SMI") was hired by Richard N. Foltz, III to perform certain plumbing repairs and capital improvements at a 3-apartment residential structure known as 217 Westowne Place, which is located off of Edmondson Avenue in Catonsville, Maryland. The work included replacing the original furnace and replacing certain lateral water distribution pipes.
4. The furnace was originally designed to operate with coal and it had been converted to a natural gas-fired system. The 3/4" and 1/2" water lines which we replaced had been virtually clogged closed from decades of mineral and sediment accumulation. These water lines serviced an apartment located in the basement and first floor of the building.

-1-

PR.AFF  
10/17/95

BEFORE THE ZONING COMMISSION  
OF BALTIMORE COUNTY

In The Matter of  
217 Westowne Place

Case No.: C-95-1212

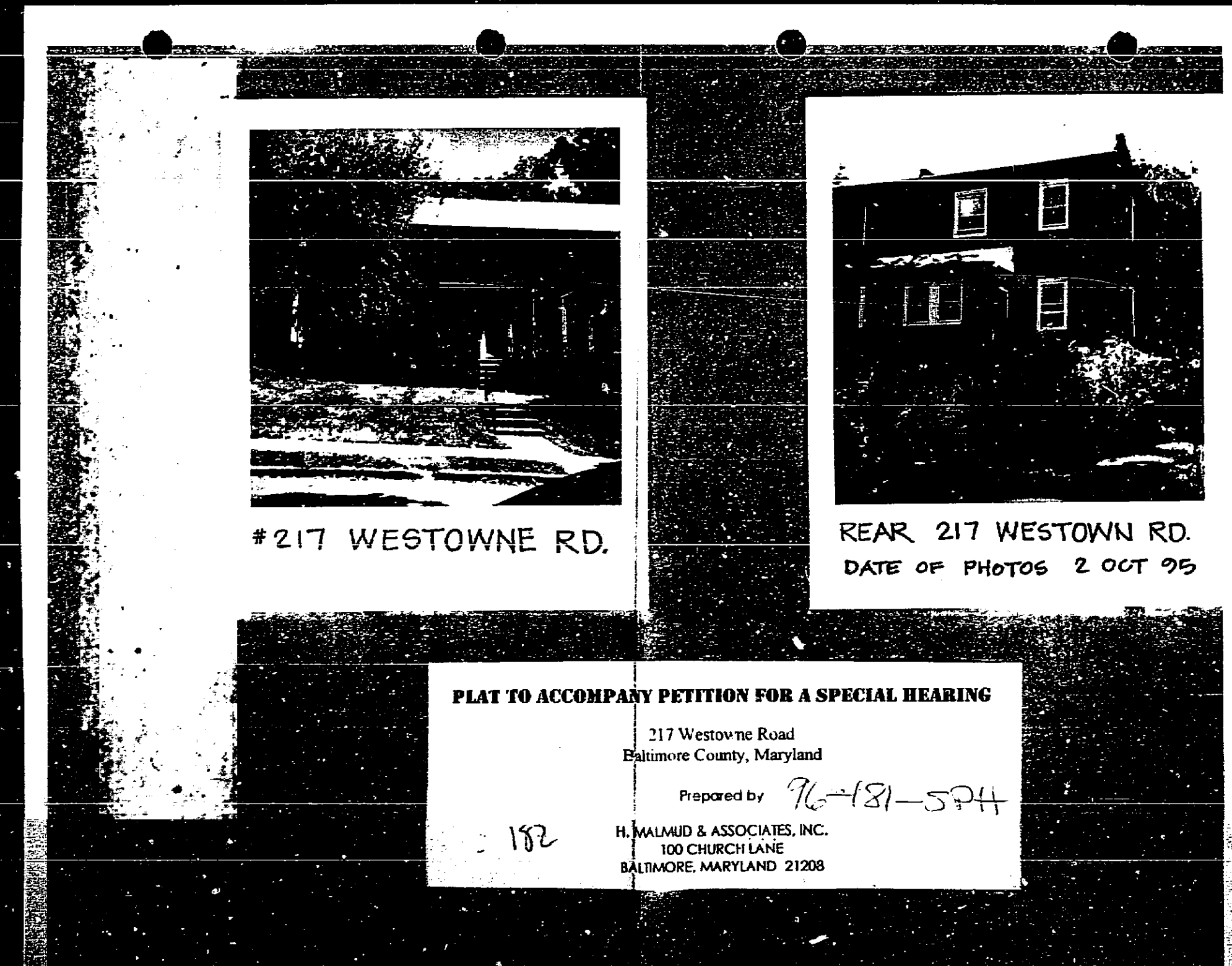
AFFIDAVIT OF  
PAUL RICHARDS

STATE OF MARYLAND  
COUNTY OF Baltimore To Wit:

I, PAUL RICHARDS, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

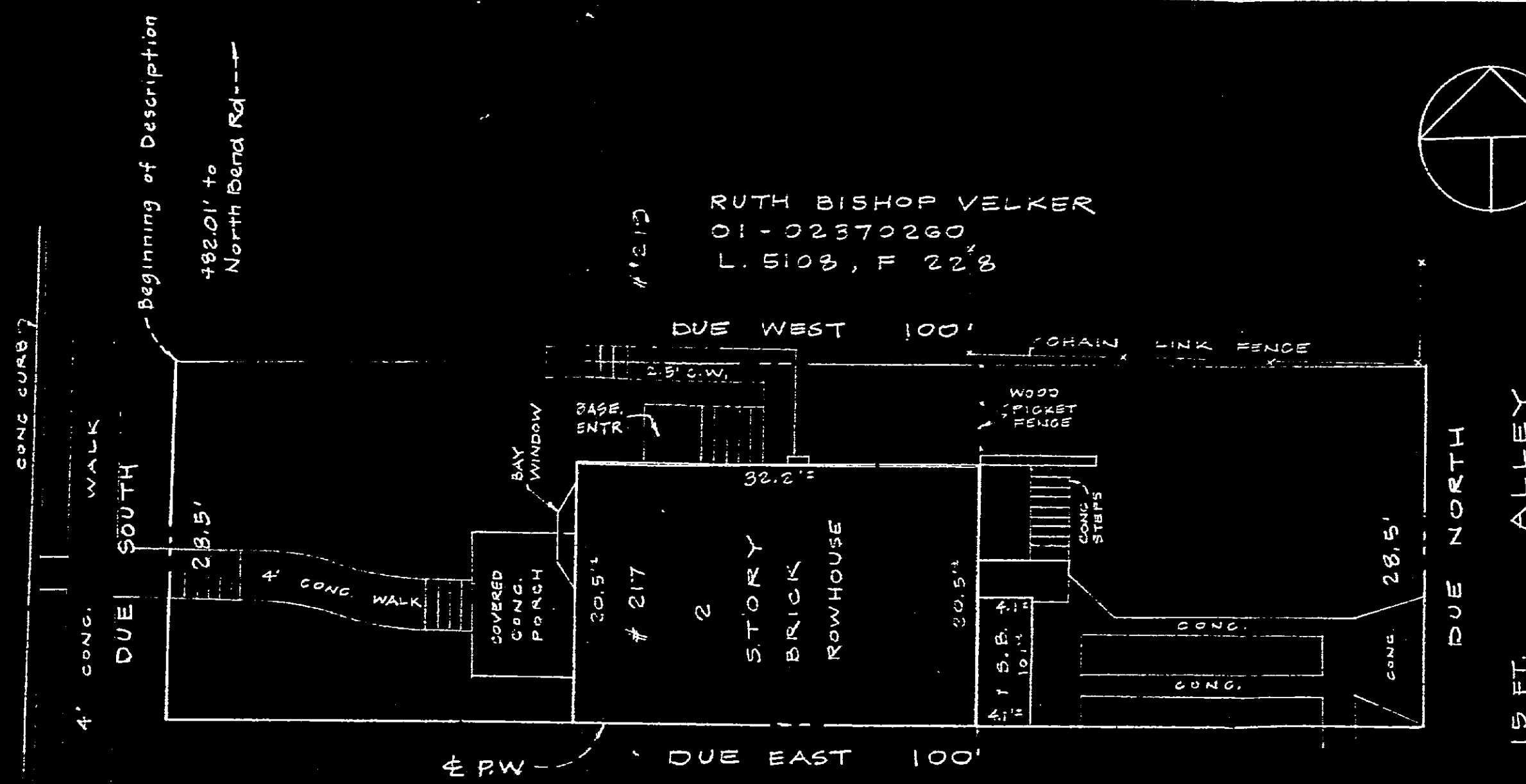
1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 3-apartment house known as 217 Westowne Place, Baltimore County, Maryland.
2. I am 93 years of age. I have lived at 120 Malbrook Road since 1940.
3. I am unrelated to the Petitioner, Richard Foltz, and I have no financial interest in the property known as 217 Westowne Road.
4. My residence at 120 Malbrook Road is in the same neighborhood as the property known as 217 Westowne Place.
5. My property at 120 Malbrook Road and the 217 Westowne Place property are in the "Westowne Community Association".
6. I have been a member of the Westowne Community Association since approximately 1940.

-1-



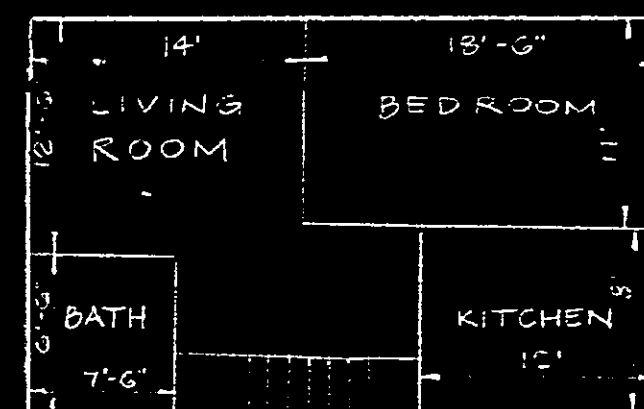


WESTOWNE ROAD



RUTH BISHOP VELKER  
01-02370260  
L. 5103, F. 22'8"

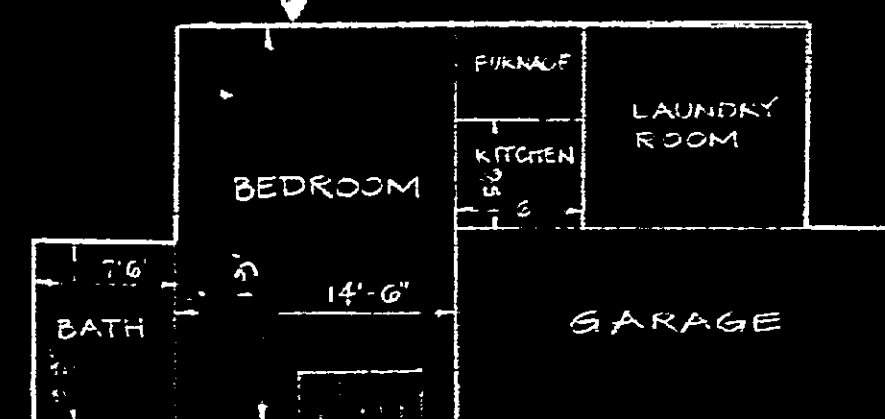
CHRIS M. & ELIZABETH C. ROLLMAN  
01-19270110 L. 3548, F. 107



2ND FLOOR  
UNIT 3



1ST FLOOR  
UNIT 2



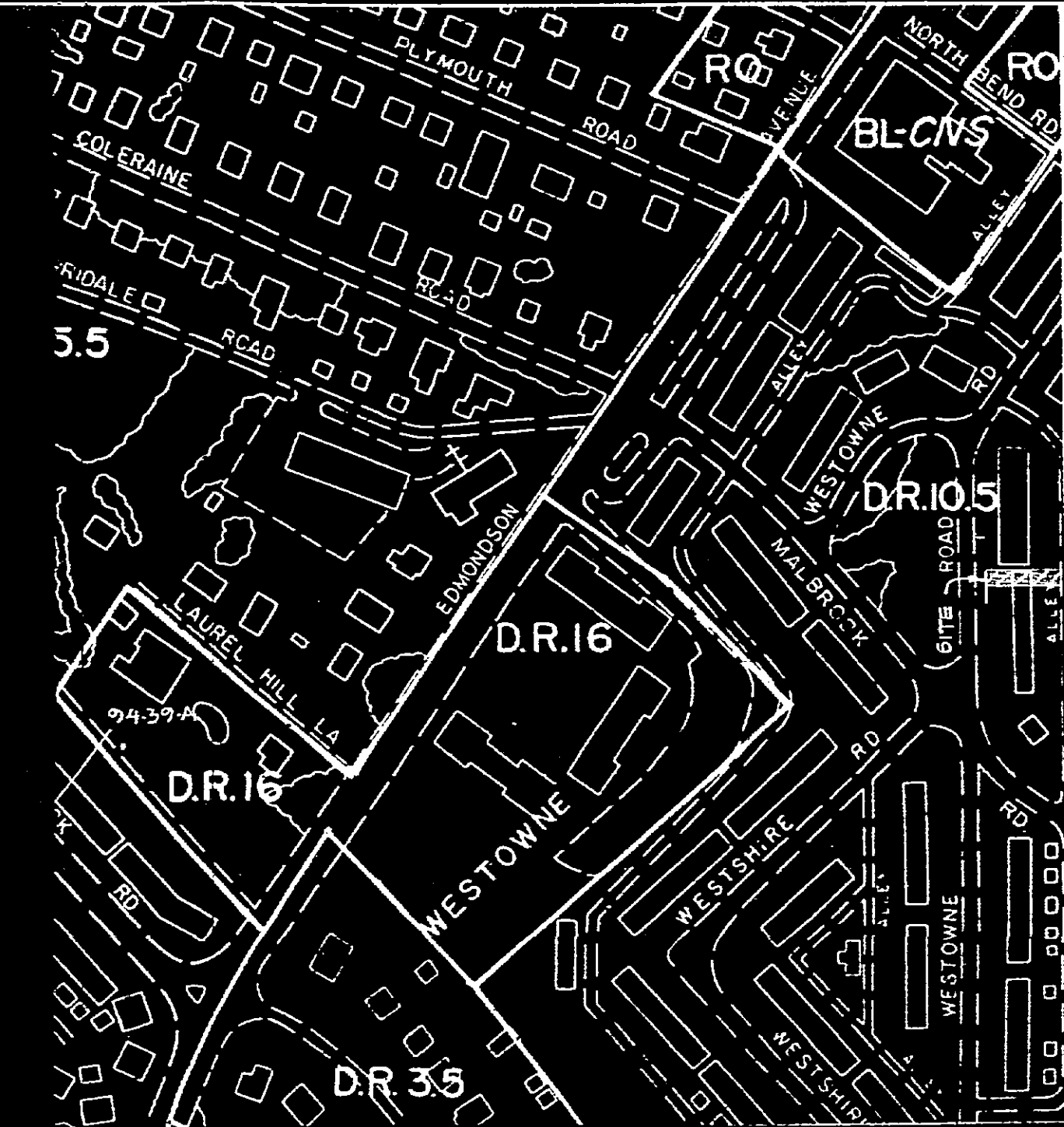
GROUND LEVEL  
(BASEMENT)  
UNIT 1

NOTES

1. PETITIONER: RICHARD M. FOLTZ, III  
11 IVY BRIDGE COURT  
REISTERSTOWN, MD. 21156-5951  
OWNERS: RICHARD M. FOLTZ III &  
DEBORAH I. FOLTZ  
DEED REFERENCE: LIBER 7071, FOLIO 296  
TAX ACCT. # 01-19270400
2. EXISTING ZONING: D.R. 10.5
3. EXISTING USE: 3 APARTMENT RESIDENTIAL DWELLING
4. PUBLIC WATER AND SEWER SERVES THIS SITE.

PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA  
AND NOT FROM A PROPERTY LINE SURVEY.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL  
AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR  
COVENANTS OF RECORD AND LAW.



ZONING & VICINITY MAP  
Scale: 1" = 200'

96-181-SPH



CASE NO. C-25-1216  
PETITIONER'S  
EXHIBIT NO. 13

PLAT TO ACCOMPANY  
PETITION FOR A  
SPECIAL HEARING  
217 WESTOWNE ROAD

Election District 1  
Councilmanic District 1  
BALTIMORE COUNTY, MD.  
Scale: 1" = 10' October 8, 1995

Prepared by:  
H. MALMUD & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9511

182

9545